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The Washington Monthly

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LETTERS

High anxiety over trauma

Paul Glastris' analysis of impediments to effective trauma center designation, "Life and Death in the Emergency Room" [November], is well conceived. He cites Pennsylvania and Florida as two states whose efforts to remedy a maldistribution of trauma care designations have been thwarted by established medical and hospital interests.

Despite his commendable interest in the subject, he is in error with respect to Florida. As the public health staff analyst to the Florida House of Representatives in 1984 and 1985, I worked closely this year not only with physicians representing the Florida Medical Association (FMA), but also with the staff of the Florida Hospital Association (FHA), the largest and broadest in membership of the three Florida hospital groups. The FMA and FHA, joined by the state's Emergency Medical Services (EMS) office, and I drafted 1985 House Bill 1003 to which Glastris referred accurately as reform legislation. The FHA did not fight the bill but rather worked within the process to gain a proposal at least minimally acceptable to it. While the FMA per se did not endorse the bill, its trauma committee has worked vigorously since the late 1970s to force the issue onto the legislative agenda. Committee members lobbied strongly for the reform bill in 1985.

All the actors recognized that the current standards are advisory and that no effective enforcement of them exists. The lack of trauma care in south Florida especially militates for reform. HB 1003 accommodated the concerns of the FMA, the FHA, and EMS providers. It was sponsored by legislators from both north (rural) and south (urban) Florida who balanced considerations of free market allocation of trauma resources as advocated by FHA with the clear need for stringent medical care standards imposed by state government. In my view the bill did not pass only because of the time-consuming nature of these negotiations, not because of opposition to the bill. I believe that a similar bill stands a good chance for passage next year.

Also, in the 1985 session of the Florida legislature HB 1000 was enacted providing a massive infusion of funds to local EMS systems financed from surcharges on drunk driving violations and other traffic offenses.

TERRY M. SIMPSON
Washington, D.C.

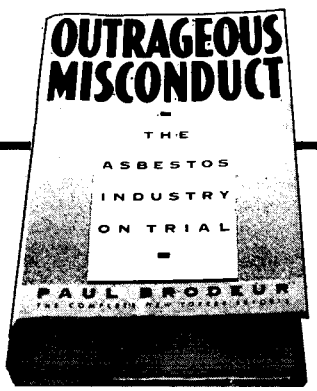
The only way we'll ever get properly run medical trauma centers is when one of the surgeons gets into an accident and needs the instant and proper attention he doesn't give to others.

OLIVER BERLINER
Beverly Hills, California

Libel on the shop floor

Your article on "How to Stop Libel Suits and Still Protect Individual Reputation" by Robert Nagel [November] missed an unfortunately well-established solution to the problem. Well, a partial solution anyway.

The best way to stop libel suits is to put your character defamation in a labor relations context. While this hardly protects individual reputations, the courts (up to and including the U.S. Supreme Court) have decided that protecting unions is far more important. Virtually anything can be said, including the foulest sort of language (which you cannot reproduce here) and the worst racial slurs, but the employees so vilified will not succeed in winning damages if the people saying these things are union agents. As the Supreme Court said in 1974, "Federal law gives a union license to use intemperate, abusive or insulting language without fear of restraint or penalty if it believes such rhetoric to be an effective means to make its point."



The Manville Corp. ASBESTOS case

How the asbestos industry covered up a health disaster for 50 years; and how trial lawyers uncovered the cover-up. "The detailed and exhaustive evidence cited by Brodeur makes the case for strong legal protection of workers' safety and health."
—LANE KIRKLAND, President, AFL-CIO

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Remember, we are not talking here about protecting employers from slanderous abuse; *employees* are the people who are being forced to bear this unfair burden. And it continues. The state supreme court in Virginia just recently reversed a lower court award of damages for employees who were the object of verbal assaults, threats, and harassment for exercising their right to work during a steelworkers strike (*Crawford, et al.* October 11, 1985). Whatever one may think about strikes, the fact remains that the torrent of words spoken by the union agents was characterized by the dissenting judge as "like physical blows...[and] foul-mouthed violence tantamount to assault." He went on to comment that "no free man or woman should be expected to endure them without redress," yet this was precisely what the court majority declared, solely because the perpetrators were union agents pursuing union goals.

We tell people that they must restrain themselves and not "take the law into their own hands." A civilized society implicitly promises that, in exchange for this restraint, the state will provide courts and laws which offer a nonviolent means to protect their lives, property, and reputation—with impunity. Unable to redress these outrages, our society has accordingly become that much less civilized.

One wonders how much more support there would be for the rights of employees who suffer abuses of this sort if the union agents had instead directed their documented epithets, slurs, threats, and verbal filth at journalists.

CLAYTON ROBERTS
National Right to Work Committee
Washington, D.C.

To sue, or not to sue

In November's "Tilting at Windmills" Charles Peters ridicules Mrs. Gonzales's suit against the state of Maryland—a snake bit her in a state park and the state failed to warn her of the risk. A few paragraphs later Mr. Peters advocates suing the principals involved in the production and marketing of tobacco because the product causes cancer. Snakes in the woods or cancer from cigarettes aren't news to anyone. Even before the Surgeon General published findings documenting the relationship between cancer and cigarettes, folks knew they hurt your health. "Smoker's cough" wasn't coined in the 1960s. By Mr. Peters's argument, the manufacturers of motorcycles and the distillers of alcohol should pay for the increased risk their customers assume. The prospects for democracy dim when people shed responsibility for their own behavior; the government then has an excuse to exercise its paternal tendencies and to mandate behavior for our own good.

The only reasonable target for a suit in the tobacco case is the U.S. government for wasting taxpayer dollars by sustaining both the Surgeon General and tobacco subsidies.

JAMES MARTIN
Seattle, Washington

All that cigarette smoke in the air must have clouded your judgment. Are you really advocating lawsuits by cancer victims against tobacco companies and their advertising sources? Have you heard of contributory negligence? "If an injury is caused, even in part, by the negligence of the party complaining...there can be no recovery of damages." (*The Legal Encyclopedia & Dictionary* by Samuel Kling, p.369.)

It is ironic that, in the same column, you ridicule the couple who sued a state park that did not warn them of snakes. Are you implying that they should have *guessed* that the park might have snakes? Well, don't smokers *know*, despite the glamorous smokescreen, the risks they take? Shouldn't *they* assume some "moral responsibility" for what they do to themselves and their families?

I believe those lawsuits you advocate would quickly metastasize into other areas. How about the welfare youth who—enticed by "glamorous" ads for clothes, jewelry, etc.—shoplifts or robs a bank? Is he entitled to sue the advertisers if he goes to jail? Or should an obese heart attack victim sue the cake and candy manufacturers for "glamorizing" their products? Come on.

In case you're wondering, I am a nonsmoker who refuses to let an elevator door close if one passenger has a lighted cigarette. I've come close to getting bopped on the head. And I almost lost my job for refusing to sit near a heavy smoker. I'm also a litigious fighter for my rights as a consumer. So I'm certainly not lobbying for the tobacco industry. While I believe they should be held accountable, the use of individual lawsuits to accomplish that end can only open a Pandora's box.

HANNAH KLEIN
Wheaton, Maryland

Mr. Peters discusses people who could be sued in relation to cigarettes. Why not start at the top? Start with the chairman of the Senate Agriculture Committee [Jesse Helms]. Inform us how he voted regarding subsidies for tobacco farmers, reeducation of farmers on introduction and cultivation of crops which do not deplete the soil, crops which do not need as many fertilizers, pesticides and herbicides, crops which prevent erosion, which nourish both soil and mankind, and will save the U.S. money in the long term.

Continue your good work. Perhaps you may force some people to start thinking for themselves.

PEG BRINEY
Prescott, Arizona

'Glory and love of teaching'

The anti-education bias, so evident recently in Mr. Peters' column [November], is unreasonable and a bit ignorant. What, pray tell, are his qualifications for evaluating any course, let alone a methods course? I

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Pictured above in a 1949 AP wirephoto of a Senate Subcommittee on Appropriations fact-finding tour are from left to right: Mrs. Ferguson and Sen. Homer Ferguson, Sen. Allen Ellender, Sen. Theodore F. Green, Earl Cooper of the State Dept. and Sen. William E. Jenner with their Dragomen guides at the Great Pyramid.

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suspect they are no better than mine would be for the technical matters of editing a magazine. Should his educational thinking be equated with his political thinking, he would be rubbing elbows with Jesse Helms, Phyllis Schlafly, and Jerry Falwell.

It is that kind of attack that is so destructive to this nation's public school systems. Better go back to what Thomas Jefferson said on the subject of schooling. We are vulnerable as we are not in the profit-making sector of society. Already we have lost the bulk of laboratory schools in our higher education schemes. Not that some of them were such a loss, but where should experimentation go on? In editors' offices? Because teacher training is expensive, and because our ranks suffer a multitude of milquetoasts as leaders (except Albert Shanker), we are allowing the liberal artsy folks to promote the erroneous idea that, ipso facto, if you know something, you can teach it. We need methods. Of course there are plenty of damn fools teaching methods. But no more than the damn fools who are editors, politicians, lawyers and doctors. Right?

The glory and love of teaching is deep in me. And dammit, you had better smile when you attack that which I hold so dear.

JEANNETTE VEATCH, Ph.D.
Mesa, Arizona

(See "Tilting at Windmills," p.9)

Who's on an 'even keel'?

The review of *Education's Smoking Gun* published in the November *Monthly* is an ad hominen review. The author is "a crank," "raves and denounces," is hardly "on an even keel," has a "manic streak," and more—all without adducing a supporting instance. Room for one existed had not Phillip Keisling wasted 27 words on the title of Cosby's dissertation.

In details and themes, Keisling is mostly inaccurate. He can cite no abusive prose of mine of the sort he applies to me. He says that Bill Cosby got a Ph.D. He did not. My book makes the important distinction between educa*tors* and education*ists*. The majority of the latter have Ed.D. degrees, which is what Cosby got. Although Keisling approves of my exposing "visual literacy" as a fallacy, he gives minor details instead of my main point that the fallacy was invented to undermine literacy, and succeeded. Keisling says that I give the "right"—his quotes—way to teach reading. My book is against prescribing methods for teachers in favor of devising their own.

REGINALD DAMERELL
Bronxville, New York

The editors reply:

Our editing made the review harsher than Phillip Keisling intended. Both we and Keisling admire Damerell's determination to reform teacher training.

The Washington Monthly

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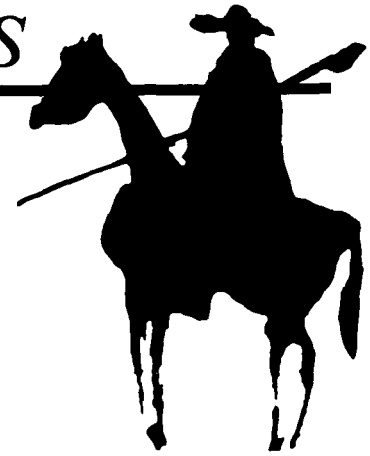
TILTING AT WINDMILLS



Senator John Stennis recently explained how the atmosphere of the Senate cloakroom has changed during his 38 years on Capitol Hill:

"Well, we used to be back there quite a bit and talk to each other, ask each other questions, and we would train and educate each other. Well, I was in there not long ago and there were about 14 senators in there. And there wasn't a soul talking to each other. They were all looking at the television."...

There is a new game called GATO that you can play on your office computer. Its distinctive feature is, if the boss happens to walk in while you're playing, you can press the delete key. This freezes the game and turns the screen into a financial spread sheet that you can appear to be earnestly perusing....

Is it possible that we have been premature in painting the U.N. General Assembly pink? Or that if this were once the correct political color, things are changing for the better? The hopeful evidence comes in the form of the assembly's approval in November of a resolution calling for immediate withdrawal of foreign troops from Afghanistan. A similar resolution has been adopted annually since 1980. But the interesting thing is that support for it has increased each year. The November vote, 122-19, was the widest margin yet.

Incidentally, I recently had an opportunity to talk to the foreign minister of a small Western European country. He is a social democrat, to the left of most Americans. But he said it was his opinion that the Soviet invasion of Afghanistan had killed communism in Western Europe, that its impact was similar to—but greater than—the events in Czechoslovakia in 1948 and 1968 and the erection of the Berlin Wall in 1961....

Recently, Senator David Pryor, while flying tourist, happened to see Senator David Boren seated in first class. Pryor then, according to *The New York Times*, wrote a note to Boren saying that he was a constituent who lived on Social Security and had long admired Senator Boren but now that he had seen him waste the taxpayers' money on first-class luxury, he could never support him again. Pryor had a stewardess deliver the note to Boren, who became visibly agitated and asked the stewardess to make sure that

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the man knew he was seated in first class as a courtesy of the airline.

What the *Times* doesn't observe is that the unusual fact in the story is that Pryor was not in first class himself. Airlines often seat senators and congressmen with tourist tickets in first class. The airlines and the politicians call it a courtesy. It's a little more than that—not quite enough to call a bribe but certainly a tangible favor designed to induce good will for the airlines from people whose good will can have very practical value....

As veteran readers know, I am a devoted admirer of the advertisements of the American Association of Financial Professionals. The copy subtly appeals to our self-pity and our desire to deny that we are motivated by selfishness:

"This year take a vacation break that's also a tax break.

"Come to Los Angeles, Phoenix, Orlando, San Jose, Costa Rica; Panama City, Panama; Interlaken, Switzerland; or London, England with the American Association of Financial Professionals and you'll be able to write off the cost of your airfare on Eastern Airlines, your hotel bill and just about everything else but the suntan lotion.

"You'll also learn how to write off a lot more than your vacation.

"After all, you've given the IRS plenty over the years. Isn't it time they gave you something in return?"

As a matter of fact, it isn't, unless you've paid more tax than you owed. But the ad correctly assumes that most of us think we've overpaid even if we haven't. The ad is also clever in saying that it is the IRS that should give us something in return. We won't mind taking money from a faceless bureaucracy. In fact it will be fun. It will keep us from realizing that it is our neighbors, real people next door and across the street, who will be picking up the bill for our vacation—and for that matter, for all the other write-offs brought to you by the American Association of Financial Professionals....

Who was the last person to successfully run for president while serving as vice president? Martin Van Buren in 1836. The reason is that the vice president is inevitably cast in the role of a wimp. He has to lead the cheering for the president, or like John Nance Garner, he'll be dropped from the ticket next time. And constant cheerleading makes him seem mindlessly uncritical. This was a significant factor in Hubert Humphrey's defeat in 1968, and I think it will play a similar role in George Bush's in 1988....

A truly revealing discussion about the preoccupation of managers with short-term results was buried deep within N.R. Kleinfield's "What it Takes: The Life of a CEO" in the December 1 *New York Times Magazine*. Here it is for those of you who may have missed it:

"There is a fixation," Waldron [the CEO of Avon Products] tells me one day. "And I think it's terribly unhealthy. I have the sickness, too." He pins the blame on securities analysts, who, he says, "you can't get to think ahead more than six months. Some you can't get past the present quarter. Now, why is that the case?...Companies, like our own, have money managers....We bring these money managers in and put them through terrible torture once or twice a year. How's our money doing? And if they say it's gone *phssssst*, then we say, 'O.K., you've got one more quarter or we replace you with someone else.' And they scamper out and say, 'We've got to find some stocks that are going to go up.' So I think that's what's driving American business...."

What are the effects of the fixation?

"Well you make some pretty stupid judgments," Waldron says. "Clearly, it's highly possible to manage earnings. Example: run a quarter-end promotion that will steal money out of the next quarter....Or you raise prices. Or you cut prices.... Cut out a research and development item....These are not things that are necessarily good for the long-term health of the company, but you need the short-term profits....It really gets to be a pressure pot."

Has he done these kinds of things?

"Yup."

Done things not in the best interests of the corporation?

"Yup."

This is one of the most serious weaknesses of capitalism. We must correct it....

The American passion for credentials was never better illustrated than in Senator

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Claiborne Pell's recent criticism of Edward A. Curran, who has been nominated to head the National Endowment for the Humanities. The senator complained that Curran did not have a doctoral degree, which Pell called "the union card every other chairman has had." A Ph.D., assuming it is in the humanities, might be some evidence that the nominee has the knowledge and understanding required, but it is the knowledge and understanding, not the degree, that are essential....

Business lobbyists are complaining that the dumping of the investment tax credit will discourage industrial expansion. This may be true, but there are certainly ways the credit currently is being used that have little to do with industrial expansion as most of us would understand the term. For example, Sailboats Inc. is selling yachts with the pitch that if they are put into part-time charter service they can be paid for with the investment tax credit. And, according to UPI, Carol Burnett and Joseph Hamilton are seeking $1.07 million from the IRS, claiming that their production company, Whacko Inc., qualified for that amount in investment tax credits for producing television shows....

I'm indebted to Mike Causey of *The Washington Post* for news of a report from the Congressional Management Foundation that reveals dramatic differences between the personnel practices of the legislative and executive branches:

- Only 61 percent of all House offices have manuals or written guidelines on personnel practices, although they are required at all other federal agencies.
- Less than half of the congressional offices give their employees the automatic annual pay raises that executive branch employees usually get.
- The average House staff member is paid $24,132 compared to an average of $31,000 for federal civil servants.

The result of these differences is not exactly what you would expect. While there are some employees on the Hill who spend their days reading newspapers and chatting with their colleagues, and while there are some truly superb civil servants, the average congressional staff member is a cut above the average civil servant in both ability and willingness to work hard. This is not just my opinion but that of most other observers who know both the Hill and the executive branch. There is, by the way, another interesting difference. Congressional employees, unlike civil servants, can be fired at any time....

The military is indulging in misleading advertising to recruits. The ads practically promise a high-tech career. Yet, according to Toni Joseph of *The Wall Street Journal*, fewer than 18 percent of service jobs could possibly qualify as training for such careers. And even their promise is often illusory because the technical task learned will have little or no relation to outside employment. The result is that unemployment among post-Vietnam veterans is higher than for the general population—9.7 percent for the veterans compared with 7.2 for the rest of us....

Is "60 Minutes" turning into "Lifestyles of the Rich and Famous"? Certainly you would have thought so if you had tuned in to the November 24 segment on the Palace Hotel in St. Moritz. Harry Reasoner describes its guests as "the Concorde set, a step beyond the jet set." The hotel meets them at the railroad station with a Rolls Royce. They pay between $25,000 and $35,000 a month for the privilege of staying in what one American interviewed by Reasoner describes as "a real nice suite."

Usually I find Reasoner engagingly commonsensical, but on this occasion, whatever contact his tongue had with his cheek must have been lost with the first glass of champagne. He is depicted in simpering attendance at a great ball given at the hotel by the American, who says of his guests:

"We're having more Princes and Princesses and more Dukes and Duchesses. And we're having one reigning ruler. Oh...I'd say out of the 185 there must be at least 80 with titles."

Actually, this sort of thing is the dominant trend in the American media today. From public television's absurd preoccupation with classy Brits to the networks' emphasis on rich Americans to the magazines that tell us the wines our betters drink and the restaurants and resorts they frequent, we have

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become a nation obsessed with imitating those above us instead of helping those down below....

While President Reagan worries about Star Wars, I worry about submarines. According to Walter Pincus of *The Washington Post*:

"The Navy has identified two Poseidon missile-launching submarines, the *USS Nathan Hale* and the *USS Andrew Jackson*, for dismantling next year if President Reagan continues his policy of not undercutting the unratified SALT II agreement limits, congressional sources said yesterday.

"That action would be required when the new *USS Nevada*, a Trident submarine with 24 multiwarhead missiles begins sea trials next May. The *Nevada* would push the United States above the SALT II sublimit for multiwarhead missiles by 22 missiles. Since Poseidon subs only carry 16 missiles, the United States will have to take two Poseidons out of service to avoid violating the pact."

What concerns me about this is that we will be turning in two submarines for one. Submarines are our best deterrent because they are our most survivable deterrent. For that reason I want to see their number grow not decrease, as it has been doing in recent years. I would put more money into missile-carrying submarines and less into land-based missiles and the nonsensical buildup of a carrier-centered surface fleet.

I believe in deterrence rather than defense against nuclear attack because the defense would have to be perfect and I simply don't think perfection is possible. This year marks the 100th anniversary of the invention of the most efficient defensive weapon in history, the machine gun. It was the most efficient, but it seldom, if ever, killed all the attacking troops. Yet such total efficiency is what Reagan assumes Star Wars can achieve....

Defense planners count on inactive reservists being ready for immediate call-up in the event of war. But James H. Webb, assistant defense secretary for reserve affairs, says there are "continuing problems relating to quality, quantity, locatability" in regard to the force.

"According to Mr. Webb," reports Associated Press, "tens of thousands of inactive reservists cannot be located by mail. Moreover, he said, for years the services have used the ready reserves as a catchall for individuals who are being discharged from the active forces for disciplinary reasons, unsuitability or hardship, including pregnancy. Roughly 112,000 of the Army's 249,000 reserve members fall into such categories," he said....

In this month's Letters section there is a suggestion that I oppose methods instruction for people who want to teach. This is not the case at all. What I oppose are bad methods courses as well as the assumption that methods courses are a substitute for mastery of substantive content and the assumption that teaching aptitude is demonstrated by passing methods courses. What makes a good teacher is knowledge of the material to be taught, the raw talent to communicate with and stimulate young minds, and training in the most effective methods to exercise that talent.

My complaint about most schools of education is that they consistently fail in the combined task of appraisal and training that will determine whether a would-be teacher has all three of these qualities....

When headlines like "Tax Bill Said Threat to IRA Growth" and "IRA - 401(k)= Less for You" recently appeared in *The Washington Post* you probably assumed that the *Post* was once again crusading to protect the interests of the average man. This was not quite the case.

The "threat" was a proposal by the House Ways and Means Committee to prevent taxpayers from contributing to a tax-deferred individual retirement account if they put more than $2,000 into a tax-deferred 401(k) plan. If you don't have a 401(k), you can still contribute the full $2,000 to your IRA. 401(k) plans are for people who, together with their employers, can put aside up to $30,000 a year for their retirement. If you're an average person who can only put aside $2,000 or less, the IRA is all you need. Guess where the employees are doing well enough that they can have both IRAs and 401(k)s? *The Washington Post*. That headline should have said not "Less for You,"

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but "Less for Us."...

This fall an "Executive Memorandum" from the Heritage Foundation, the conservative think-tank, recommended five principles to guide the administration in Geneva. It may have inadvertently revealed the intellectual right's true regard for the presidential mind when it concluded, "The five principles should be stamped on index cards to be carried by Ronald Reagan."...

In the sixties, I knew something about Central America because during those years I was in Panama, El Salvador, and Guatemala. I haven't been there since, but I can tell you that every bit of my experience at that time confirms this November report by *The Washington Post*'s Edward Cody:

"The people of Guatemala successfully held the first round of their presidential election two weeks ago, setting the stage for another Central American version of democratic civilian government replacing military rule....But the men who actually hold power here, and who are likely to continue holding it, were not running for office. They are the generals and colonels who form the Army high command....Voter sentiment expressed at the ballot box has little part in the military's decision. Instead officers decide what is good for the military."

Costa Rica, a democracy without an army, is a glorious exception to this, but otherwise my guess is that it's true of all the rest of Central America today. Except, of course, for Nicaragua. I must offend my liberal friends by saying that I am absolutely certain the Sandinistas are communists—their rhetoric is of the running dog style that only committed Marxists can stomach. But excluding Nicaragua and Costa Rica, Central America is one case where the nightmare of the conventional left comes true. It may be a slight overstatement to say that the Central American military is vicious, sadistic, and fascist, but it's very slight. Even where there are decent civilian leaders like Duarte in El Salvador, they're powerless compared to the colonels....

Edgar Cahn, a member of this magazine's editorial advisory board and the father of the poverty law movement, has come up with another good idea and has persuaded the Florida legislature to adopt it. It is a program under which older persons who perform volunteer services on behalf of other older persons receive "service credits" that entitle them to volunteer services when they need such help.

In a perfect world we would all volunteer without regard to the reward we might receive, but the idea of community has become so broken down in modern America that I think this kind of incentive is necessary to begin getting us back on the right track....

Life in college dormitories used to be fairly spartan—a bed, a table, a chair, and a goose-neck lamp. Some students still live this way, but according to Ray Richmond of the *Los Angeles Times*, for many others life is considerably more comfortable:

"Custom kitchens are not unheard of in the dormitories, and quite a few rooms are equipped with microwave ovens. A good number have color televisions—complete with remote control—and nearly all boast some sort of stereo (often state-of-the-art and including a compact disc player).

"A not insignificant number also find space for a personal computer (sometimes two), a telephone, an accompanying answering machine, and that most essential of study aids, the video cassette recorder."

A not unrelated development was recently reported from Charlottesville, Virginia by the Associated Press, under the headline "Campus Jobs Go Begging":

"Officials at the University of Virginia, who have several hundred part-time jobs available, say they cannot get students to take jobs despite aggressive advertising, and officials at Virginia Tech and James Madison University said the same thing."

The head of the University of Virginia food services told AP, "Students getting money from their parents is the major reason. They're letting mom and dad pay for it."

As I was pondering these articles, I came across a story by Edward Fiske in *The New York Times* that said that enrollment of blacks and Hispanics and other young people in minority groups is declining. Are we headed back to the old system in which only the affluent go to college?...

—*Charles Peters*

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WANTED: POVERTY PROGRAMS THAT WORK

In its latest national poll of voter attitudes, the Democratic National Committee found that most middle class respondents equate the idea of economic "fairness" with "giveaways." If, as this survey implies, we are losing our sympathy for the poor and uneducated, President Reagan's mean-spirited anecdotes about welfare mothers living high off their food stamps are probably partially to blame. But as liberals, we must accept our share of responsibility. In the past, many government programs to aid the needy *have* failed; middle-class taxpayers perceive themselves as suckers for having permitted Washington to waste their hard-earned money. Now the question is whether we surrender to those failures—and abandon those who have little hope of getting a decent education or job—or search diligently for poverty programs that have worked and build on those successes.

Occasionally we see newspaper stories that suggest this or that poverty program is working. Some recent examples are:

• Massachusetts achieved a 9.4 percent decrease in its welfare rolls from January 1983 to July 1985, largely, according to officials, a result of its "workfare" program. Workfare requires welfare recipients to seek jobs or job training in order to continue receiving full benefits. Similar efforts are underway in a number of states, and others are considering following Massachusetts, where 86 percent of the program's participants are still off the conventional welfare rolls a year after beginning workfare. The state has saved $60 million after deducting job training costs.

• The New York Technical College has used both private and public funds to operate a successful program called "Expanding Options for Teen Mothers," aimed at 17- to 21-year-olds. The young mothers attend classes in the morning that prepare them for the state high-school equivalency exam and in the afternoon learn trades such as carpentry, plumbing, and welding. The goal is to give these women the push they need to land jobs that pay more than the minimum wage and provide a positive example for their children.

• The Oakland, California East Bay Conservation Corps relies primarily on customer fees to pay its young inner-city employees, one-fifth of whom are on parole. With additional funds from foundation and government grants, the corps operates five days a week, planting trees, building playgrounds, and carving out park trails. The participants spend four days working and one day and two nights in class, where they study reading and math. High school dropouts must prepare for the graduate equivalency exam.

• Here in Washington, retailers collaborated with D.C. officials last spring to set up a training program for unemployed students. The participants spend five weeks learning how to operate computer cash registers, how to interview and dress for jobs, and how to deal with problems such as shoplifting. After four weeks of additional on-the-job training, successful students may be offered full-time employment. Half of the original group of 48 students is still working.

• A privately funded job program for welfare recipients started by a former nun in Texas has 88 percent of the participants still working a year after they started, New York City's Volunteer Corps has organized citizens from all walks of life for the past year, to improve the city and gain skills by teaching young children to read, painting ferry boat terminals, and assisting the elderly with domestic chores. Here in Washington, D.C., the Higher Achievement Program celebrated 10 years of volunteer tutoring of outstanding minority students in 1985.

While these stories are heartening, we need to know more about the programs they describe and others throughout the country to establish the basic patterns that create effective programs against poverty. In the coming months, we intend to seek out the programs that work and in a series of articles explain *why* they do. In many ways we rely on the participation of you, our readers, to shape this magazine, and in this project we again call on you to help. Please send us information on successful welfare, health, job, and education programs—small or large, private or public—which you think deserve our attention. We can work together not only to produce stimulating journalism, but also to publicize real solutions to poverty.

Send information to: Poverty Programs That Work, c/o The Washington Monthly, 1711 Connecticut Ave., NW, Washington, DC 20009.

—The Editors

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MUTUALLY ASSURED CORRUPTION

The Justice Department and Anr

by Daniel Benjamin

During Ronald Reagan's first administration, few developments attracted as much attention as the scandal over the management of the environment. At the center of the controversy were the goings on at EPA in 1982-83, when allegations of sweetheart deals with industry, political manipulation of funds, and gutted regulatory procedures flew wildly. A strange but dramatic constitutional confrontation over a pile of documents and the doctrine of executive privilege brought the affair to its climax, and a rapid denouement followed. Or so it seemed.

It all ended with nearly surgical neatness. On March 9, 1983, the documents were turned over by the executive branch to the congressional committees that wanted them, and Anne Gorsuch Burford, administrator of EPA, resigned from office. In the popular mind, the two events were linked. Burford, like her fellow Coloradan, James Watt, had antagonized many with her undeviating adherence to the Reaganite program of easing the regulatory burden on industry and getting government out of the business of protecting the environment. Her tough, unsympathetic character did not win her many friends, either. In the course of the crisis, she became the subject of the first contempt citation ever issued by Congress to a presidential appointee at that level of government. It was easy to imagine her the culprit, and the bad odor of a Watergate-like cover-up surrounding the affair was widely ascribed to her. Given the stream of bad press she brought cascading down upon the administration, few inside the government or out were sorry to see her go. And, with the subsequent resurrection of William Ruckelshaus, first administrator of EPA and shining martyr of Nixon's Saturday Night Massacre, the White House turned a debacle into a modest public relations victory.

The story, however, is far from over. The House Judiciary Committee has just released a 1,300-page report that promises to upset the common understanding of what actually happened during the EPA scandal. It details the fascinating but hitherto unknown machinations of the Department of Justice in the executive privilege confrontation. The evidence presented implicates many top Reagan law enforcement officials and White House staff members in a conspiracy to deceive Congress and obstruct justice. Complementing this summa is Anne Burford's recently released memoir of her years in the administration, *Are You Tough Enough?**, which intimates and conjectures about many of the topics of the House Judiciary report. The appearance of these two publications has renewed press interest in the EPA scandal; the Judiciary Committee, meanwhile, has recommended the appointment of a special prosecutor.

To be sure, the wrongdoing that's been uncovered deserves plenty of attention. But because

Daniel Benjamin is an editor of The Washington Monthly.

**Are You Tough Enough? An Insider's View of Washington Politics.* Anne Burford with John Greenya. *McGraw-Hill, $16.95.*

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Burford's EPA

of the complexity of the scandal, because there are too many villains pursuing their own plots, and because the final picture largely contradicts our notions of how government is corrupted, it may end up earning less than its fill of coverage. For these reasons, it's worth reviewing the affair and presenting, however inconclusive it must now be, a guide for the perplexed.

Fall of the Dragon Lady

First, some history. In the fall of 1982, several House committees began investigating the Superfund program for toxic waste cleanups in response to charges that EPA was not implementing the program in accordance with the law. In October the investigations came to a halt after EPA refused to turn over certain documents that it claimed were "enforcement-sensitive"—that is, their release would have upset legal cases EPA was pressing against polluters. Congressional appeals for the documents were rejected, and acting on the advice of Justice Department attorneys, the president asserted the right of executive privilege over the documents on November 30.

Few things guarantee the suspicion of Congress as much as a claim of executive privilege. With Watergate looming in the background as the paradigmatic battle over the ill-defined doctrine, many legislators and journalists immediately sensed a cover-up. Since Congress routinely examines far more sensitive materials than anti-pollution enforcement documents, lines were quickly drawn, and the hostilities began. On December 16, in the dying days of the 97th Congress, the House voted 259-105 to hold Burford in contempt of Congress. (At the time her last name was Gorsuch. She married Robert Burford, director of the Bureau of Land Management, several months later.)

Burford, however, was as true a believer as Ronald Reagan could find—a fact that determined the great irony of her fall—and she continued to withhold the documents despite the threat of prosecution. The clamor grew. Congressional ire was further aroused by irregularities in the accounting of the documents that were being held; the total seemed to vary each time the executive branch communicated with the legislative. What's more, apparently everyone but Congress had access to the documents, including EPA office help and, strikingly, some companies that were the subjects of enforcement proceedings. It was also unclear who at EPA actually knew what was in the documents or who had made the decision to withhold them.

Drama attracts spectators, and the contempt citation and administration stonewalling brought the press to EPA's doorstep en masse. The focus of attention was Burford, whose thorniness had in the past earned her such sobriquets as the "Ice Queen" and the "Dragon Lady." At the height of the crisis, reporters practically invaded Burford's home in what one commentator aptly called a "feeding frenzy" of publicity. The re-

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The essential outline is complete: a cabal of lawyers at the Justice Department played a deep game with both EPA and Congress. The game took the Justice officials well beyond the realm of legal practice and involved them in dirty tricks, possible perjury, and the obstruction of justice.

quisite Reagan egg didn't help matters either: the president announced, "I can no longer insist on executive privilege if there is a suspicion in the minds of the American people that it is being used to cover up wrongdoing." The next day brought the inevitable correction, and the documents were not released.

In the next five weeks, the storm intensified. In mid-February Reagan fired Rita Lavelle, then assistant administrator for Solid Waste and Emergency Response and one of the key figures in Superfund implementation. Materials indicating criminal wrongdoing on her part, including committing perjury before Congress, were sent to the Justice Department, which was beginning its own investigation of EPA. A few weeks later, Burford resigned, and the documents were released. At least rhetorically, President Reagan defended her to the end and beyond. During a press conference two days after her resignation, he said the people impugning the former administrator were interested in partisan attacks and not real wrongdoing or environmental concerns. He added, "And, frankly, I wonder how they manage to look at themselves in the mirror in the morning."

Punch and Judy

To many of those closest to the fray, it was evident that the popular understanding of the controversy—that Burford and her minions were the villains in this morality play—was incomplete. There were hints along the way that indicated as much. Significantly, Burford had made several remarks in the last few months of the scandal indicating that she opposed the withholding of the documents.

The behavior of the Justice Department throughout the affair raised a number of questions. The counsel given to Burford and EPA aroused much curiosity, as did the department's unwillingness to fulfill its constitutional duty to prosecute the contempt citation. Finally, and perhaps most important of all, the released documents *did* indicate wrongdoing at EPA—exactly what the Justice Department, White House, and EPA had strenuously denied all along. Many of the documents were simply trivial; none pertained to criminal enforcement of the Superfund program. Several of them, however, gave evidence that Superfund money was being granted or held up for political purposes. If a Republican incumbent was running for reelection, a cleanup might begin with remarkable speed. If a Democrat stood to benefit from the allocation of funds, the process suddenly became arthritic. Since the Justice Department had taken an active part in the frustrating of Congress and should have known about the contents of the papers, an account of its role in the affair was clearly needed. Requests for an investigation from several congressmen to the House Judiciary Committee began the process almost three years ago.

The picture that now emerges of what actually occurred during the executive privilege confrontation illustrates that, far from having an ancillary role in the affair, the Justice Department was the central force behind the withholding of the documents. As one congressional investigator said, "Justice was clearly the puppeteer pulling the strings." What follows is based on the executive summary of the House Judiciary report and on interpretations of the full report by congressional sources familiar with it. The final history of the relationship between Anne Burford's EPA and the Justice Department awaits its author, but the essential outline is complete: a cabal of lawyers at the department played a deep game with both EPA and Congress. White House staff members were also involved, though how much they knew of what was going on is unclear. The game took the Justice officials well beyond

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BURFORD'S REVISIONISM

The release of the House Judiciary report may encourage some to see its conclusions as the final word on the EPA/Justice scandal. Thirteen hundred pages and six supporting volumes of evidence have that effect. It's also likely most spectators will continue to associate the executive privilege confrontation with the misconduct at EPA. The danger thus exists that the blame for both will swing onto the shoulders of the Justice Department. The result would be a serious underestimation of the extent of the wrongdoing in the administration during Reagan's first term.

The public eye tends to see through a polarizing lens. Thus we sometimes feel we have found Iago behind the arras, when, as in this instance, the truth is that there are more plotters than we suspect, many of them blunderers. The polarization in the EPA/Justice case has already begun. Anne Burford can now be seen on television recounting the story of her victimization in Washington. She is traveling the country promoting her book, which is being published with a huge first run of 50,000 hardcover copies. With the propitious release of the House Judiciary report in the background, Burford seeks to change the terms of the discussion. Her own misdeeds evaporate, while those of the Justice Department are writ immensely. The facts of the case point to a more complicated assessment of guilt.

To a certain degree, she may get away with it. In one of the early reviews of *Are You Tough Enough?*, Jonathan Yardley of *The Washington Post* writes approvingly of Burford's discussion of "the prevalence of 'personal agendas' in contemporary political life," saying that "she speaks too persuasively to be ignored." While Burford's charge that personal agendas are the stuff of politics hardly plumbs the depths of profundity, Yardley seems impervious to the possibilty that her book is itself part of an agenda, a personal bid to rewrite history. Yardley, who cautiously intones that Burford's "record at EPA. . .was not perhaps quite as glorious as she would have us believe," must be among those predisposed to listen.

If ever there was a time for not resting satisfied with new revelations, this is it. Indeed, the fact that the only investigation that was undertaken with the power of prosecution of Anne Burford's EPA was done by the Justice Department argues for a reopening of the case. In addition, there is more than presumptive evidence suggesting that the investigation of EPA was inadequate and could have deliberately covered up wrongdoing.

The Justice Department's report on EPA certainly invites scrutiny. The slim, 53-page document was issued in August 1983, only five months after Burford's resignation. When it appeared, several of the people who had led the hunt for the withheld documents attacked it without hesitation. Rep. John Dingell told *The New York Times*, "Specific allegations which were brought to the attention of the Department of Justice were nowhere addressed." Elliot Levitas, then a Georgia congressman and chairman of one of the other subcommittees that fought for the documents, said the report "smack[ed] of whitewash." Today, Levitas says the report shows that at the time the department "was involved in a damage-control operation."

Some of the omissions are remarkable. In the case of James Sanderson, a Burford associate from Colorado and one-time nominee to be assistant administrator of EPA, a perfunctory clean bill of health was issued in the face of numerous charges of conflict of interest, many of them left uninvestigated by the Justice Department. So far as the official record

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is concerned, he's clean. Yet someone involved in the writing of the Justice Department report must have been uneasy about the cursory investigation since the report has a strikingly modest tone when it discusses Sanderson: "Many of these allegations...were forwarded to EPA's Inspector General, who then conducted an investigation, the report of which was forwarded to the Justice Department. The FBI conducted investigations of *some* of these allegations [italics mine]..."

More surprising still is the astonishingly swift work made of the charges against Anne Burford. The most notorious of them is that she manipulated Superfund money that was earmarked for an urgently needed cleanup at a site called Stringfellow in California in 1982 because she thought the grant would help Gov. Jerry Brown in his Senate race. The impetus for the investigation of the allegation came from a memorandum sent to the Justice Department by, of all people, Deputy White House Counsel Richard Hauser. It was written in the final days of Burford's tenure at EPA, a time when the administration was looking for any way to get rid of its press liability. The memorandum told of a remark Burford was said to have made at a luncheon on board the presidential yacht Sequoia, in the company of the administration's main environmental policymakers, one of whom was A. Alan Hill, chairman of the Council on Environmental Quality (CEQ). Hill reported that he heard Burford speak of a California cleanup and say, "I'll be damned if I let Brown take credit for that." Hill's story was corroborated by William Ernst Minor, a member of CEQ, who was also present.

By 1983, the smoking gun had a dead victim to accompany it. The cleanup grant that had been originally scheduled for July was delayed, reviewed again in September, and delayed again until December. Nonetheless, the Justice Department exonerated Burford because Hill "was unable to provide evidence to support that opinion or that Mrs. Burford actually held back any EPA money from the State of California to avoid helping Governor Brown." In other words, Hill had not himself acted out the role of investigator, so his recollection was worthless. The report concludes that since "no competent evidence was discovered that Mrs. Burford engaged in the prohibited conduct, the investigation of this matter was closed." If there was something strange about effectively calling two presidential appointees incompetent witnesses, it did not deter the Justice Department.

Ironically, Anne Burford uses the report of the same Justice Department that she reviles throughout her book to demonstrate her own innocence. She even cites the material about the Sequoia lunch to make her point. She supplements this with four reasons for why she held up the Stringfellow money. The majority of the money, she says, was a reimbursement for work done, and there was no threat to public health. She is right insofar as 57 percent of the money was a reimbursement. The other 43 percent—or $2.6 million—would have permitted a significant amount of additional work on the 22-acre Stringfellow site—work that could have defused the imminent danger to the drinking water of 500,000 people. The other three reasons she gives are that there was an "unresolved audit," "the briefing papers were...inadequate and in...disarray," and no effort had been made to identify responsible parties. While all three might have been true in July when Burford was first scheduled to announce the grant, none was true in September, when the grant was again under review. The audits were corrected, the briefing papers ordered, and letters went out on August 25, 1982, to 176 parties who might be subject to legal action.

The information about the Stringfellow cleanup can be found in the remarkable report on EPA by John Dingell's Subcommittee on Oversight and Investigations. The report also provides various bits of testimony from EPA employees who relate how Anne Burford and, to a far greater extent, Rita Lavelle manipulated Superfund money to affect the outcomes of other political races. The report, with its three supporting volumes of documents and testimony, also illustrates how the administration attempted to implement a go-slow policy on Superfund with the hope of having money left over after the initial five-year term of the program. That way, the administration could convince Congress that toxic waste dumps represented no problem, and a "Son of Superfund" would not be necessary. It's hard to avoid the conclusion that, for the public good, the Dingell report, even more than Anne Burford's memoir, could have used a publication run of 50,000. A boxed set of the two, however, would be useful.

—*D.S.B.*

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In the hope of preventing the disclosure of the documents' contents, some of the Justice officials contemplated in late January opening an investigation of Rita Lavelle, a move that would prevent John Dingell and his subcommittee from interviewing EPA officials.

the realm of legal practice and involved them in dirty tricks, possible perjury, and the obstruction of justice. Those implicated in the affair include former Attorney General William French Smith, several of his chief deputies, and Richard Hauser, deputy White House counsel.

I see nothing!

In mid-October 1982, several high-level Justice Department attorneys met and decided to withhold some of the EPA documents requested by congressional committees. Their goal was to assert executive privilege, a move sure to provoke a confrontation with Congress. They also did so without the the approval of Anne Burford. When the apparent leader of the group, Theodore Olson, who until 1984 was assistant attorney general in the Office of Legal Counsel, wrote to the president on October 25, 1982 advising that the documents be withheld, his final remark was, "The Administrator [of EPA] concurs in this recommendation." When told of the move to claim executive privilege, Burford protested against it, and there is some question as to whether she was even adequately consulted before the memorandum was sent. EPA was prepared to release the documents; from the beginning there was no need for a confrontation.

The misinforming of the president initiated the series of events that led to the crisis of that winter, but other than that, it was of little significance next to the tactical blunder that accompanied it. The Justice Department failed to find out what was actually in the documents.

Reponsibility for determining whether the documents were "enforcement sensitive" lay with the department's Land and Natural Resources Division. Then the domain of Assistant Attorney General Carol Dinkins, the division handles the government's cases against polluters. But neither Dinkins, who was one of the lawyers at the October meeting when the decision to withhold the documents was made, nor her primary assistant had looked at the documents. In fact, Dinkins did not review the documents until December; whatever review took place in the office before Olson wrote to the president was not thorough. How much Olson himself knew about the contents of the documents when he sent his memorandum is unclear. But he was certainly wrong when he wrote:

"It is possible, of course, that documents similar to the 35 in question here might themselves contain some evidence of unlawful conduct by a government agency or government officials. In such a situation, the overriding importance of furnishing evidence of unlawful behavior would weigh heavily against any assertion of executive privilege and we would be most reluctant to recommend that you assert executive privilege under such circumstances. However, no such evidence exists in these 35 documents. . . ."

Ironically, Olson's misstatement ignored not just what was in the documents but also some evidence that the Justice Department had regarding the political manipulation of Superfund money. More material indicating the guilt of EPA officials in these matters was contained in the documents Olson wanted to withhold. Had the Justice Department been more vigilant about investigating the information it had, the question of withholding the documents would have been a very different one.

Just playing

Even before the president agreed to go ahead with the document embargo, the gamesmanship of the attorneys was hardly that of gentlemanly barristers. In an apparent effort to weaken the position of some of the congressmen who had requested the documents, the Justice attorneys dispatched a department staff member to the

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Federal Election Commision to collect campaign contribution information on Rep. John Dingell, chairman of the Subcommittee on Oversight and Investigations of the House Energy and Commerce Committee, and on Rep. Mike Synar, a member of the same subcommittee. Lists of the companies responsible for the hazardous waste at the sites under investigation were then matched against the congressmen's contributor lists. The attorneys intended to use the information to spread rumors, possibly through the press, that the congressmen were pressing the investigation so they could pass sensitive information on to benefit their constituents and contributors.

No correlation was found, so the lawyers' dirty tricks were thwarted. The withheld documents, though, caused more enduring problems. The first organized review of the documents finally began on December 6, 1982. By this time, several officials had asserted that the documents contained no evidence of wrongdoing at EPA. If they had not been noticed earlier, the references to the political use of Superfund money should have been seen then. Dinkins, who personally reviewed the documents the next week, was not deterred. Rather than surrender the papers, seven officials from EPA, Justice, and the White House certified formally to the Dingell subcommittee that the documents contained no criminal evidence. Whatever the knowledge of the EPA and Justice officials, Richard Hauser signed the certification apparently without ever reviewing the documents. Not until February, when the controversy boiled over in the press, were any of the documents sent to the Criminal Division of the Department of Justice for investigation.

Nor does the story end there. In the hope of preventing the disclosure of the documents' contents, some of the Justice officials in late January contemplated opening an investigation of Rita Lavelle, who the documents and department information indicated was involved in manipulating Superfund. By investigating then, the department would have the right to prevent John Dingell and his subcommittee from interviewing many EPA officials since it could be argued that the interviews on Capitol Hill might upset the investigation. Thus officials who, under oath, might inform the subcommittee of the contents of the documents would be effectively barred from doing so. Although this tack was not taken, it demonstrates how minds were working in the Reagan Justice Department.

The discussions about investigating Rita

THE LEAK THAT SANK RITA

"...they are in that condition which is called Warre; and such a warre, as is of every man against every man."
—Thomas Hobbes on "The Naturall Condition of Mankind."

Few presidential appointees have suffered the derision that's been heaped on Rita Lavelle, the only EPA official convicted in the scandal. Anne Burford resisted her appointment from the start but was overruled by the White House. Some EPA officials have said they couldn't discuss with Lavelle the issues she was responsible for because she didn't understand them; others have described the experience of accompanying Lavelle to Capitol Hill for hearings as humiliating because of her frequent gaffes. The remark of one congressional staffer is typical: "She's a pathetic character...and she was way over her head."

The story of how Lavelle ultimately got fired is one of the great unknown stories of bureaucratic subversion. In early February 1983, a *New York Times* reporter called an EPA official to confirm some information he had received. The reporter quoted from a memorandum asserting that EPA general counsel Robert Perry was "systematically alienating the primary constituent of this administration, the business community." The official then reported the leak to Burford. Perry and Lavelle had long been antagonists, but, according to Burford's memoirs, Lavelled denied any connection with the memo, which was apparently destined for the White House. After several interrogations, Lavelle admitted one of her aides had written it for her. The incident gave Burford her long awaited chance. For undermining "a fellow team member" and then lying about it, Burford fired Lavelle, who then objected on the grounds she was a presidential appointee and only the president could fire her. He did just that on the next business day.

Rita Lavelle didn't leak that memo. Hugh Kaufman did.

Kaufman is a mid-level bureaucrat in EPA's hazardous waste division. He's been at EPA since it was founded in 1971, and for nearly a decade, he's been one of the most determined whistle blowers in Washington. David Burnham, the

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Lavelle took place in late January 1983. Shortly afterward, the momentum of events effectively took the executive privilege confrontation out of the hands of the lawyers. Stories about a wide variety of corrupt activities at EPA began appearing in the papers. In mid-February, Rita Lavelle was fired, and the scrutiny of the press became ever more intense. The White House searched for a way to extricate itself. The most convenient route required forcing Burford from office and purging the top level of the EPA bureaucracy. Both goals were achieved quickly; within a month, Burford was gone, along with several members of her staff. Many more were removed in the succeeding months.

Burford's resignation hardly closed the case, whatever the appearance might have been. The Justice Department blocked the House Judiciary Committee's efforts to investigate it for more than a year. The campaign to impede Congress again began the day after Burford resigned. According to the House Judiciary Committee report, "Theodore Olson gave false and misleading testimony at a Judiciary Subcommittee hearing on March 10, 1983. Olson apparently received instruction to be evasive on at least one key element of his testimony from the Attorney General and the Deputy Attorney General; the full extent of Olson's instructions from these officials is far from clear."

Showing proper cause

Why do it? What possible reason could the lawyers have had for needlessly provoking a constitutional confrontation? One can imagine how, having made their initial missteps, they found themselves in a bind and thrashed around until they had aggravated matters. But no intrinsic reason presents itself for why they would go to all this trouble.

Several schools of thought have arisen on this subject. Perhaps the one conspiracy theorists will find most appealing is the theory of the grasping executive. This holds that the executive branch was out to increase its power, particularly vis-a-vis Congress. A successful executive privilege battle over the documents would enable the White House to embargo all sorts of materials requested by Congress, thus greatly strengthening its hand in the historic battle between the branches of government. Remarks such as those made by White House Counsel Fred Fielding to *The Wall Street Journal* in March 1983 that "the line had

Times reporter to whom Kaufman leaked the Lavelle memo, compares him to Frank Serpico and A. Ernest Fitzgerald. Burnham should know; he broke the Serpico story and has covered Fitzgerald's battles with the military.

At the time he leaked the memo, Kaufman wasn't just making mischief. He was waging his own battle to stay at EPA, and the leak was a diversionary tactic. After testifying on Capitol Hill and appearing on "60 Minutes" in April 1982 with charges that the administration was deliberately delaying the cleanup of toxic waste, Kaufman became a target of the EPA top management. As many as 15 agency employees, including Rita Lavelle and Anne Burford, were involved in a surveillance effort to uncover anything Kaufman had done that could be grounds for firing him. He and his wife were tailed and photographed. When he leaked the memo, Kaufman was preparing to go to court against his superiors.

He got the memo from one of his spies within EPA, who had it printed off the computer disc of Lavelle's aide. It was a good time for guerrilla action. "I had a lot of people working in the agency for me then because Burford and Lavelle had antagonized everyone in the place."

"They were trying to destroy the agency and one of their tactics was to get me. I wanted to force them to fight with each other and at the same time help the American people see what a bunch of venal SOBs they were." Although leaking the memo had no direct effect on his case, a week after giving it to Burnham, Kaufman won a consent order that makes him one of the most protected government employees.

Kaufman's divide and conquer tactics succeeded. As David Burnham says, "You can attribute the uncovering of EPA's inactivity [on toxic waste] and Rita Lavelle's misconduct to Hugh Kaufman as much as anyone else." Kaufman himself is pleased with the outcome. As he modestly notes, "I'm still sitting at my desk. They're still fighting to clear their names."

—*D.S.B.*

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The theory that gives the best description of what happened lacks the nefariousness embodied by the other scenarios. Strikingly simple, it falls squarely in the category of the human. In short, the lawyers wanted to settle a score.

to be drawn" to keep Congress from demanding materials that were too sensitive lend support to the theory.

Another conjecture is that the Justice Department lawyers wanted to cover up their own involvement in the political manipulation of Superfund money that the documents demonstrated. This theory was propounded by several members of Dingell's subcommittee to Jonathan Lash, who recorded it in a note in his book on the Reagan environmental policy, *A Season of Spoils*.

Anne Burford puts forth her personal conspiracy theory in *Are You Tough Enough?* She writes, "There were some people in the administration who wanted to get rid of whichever conservatives they could." Her discussion of the executive privilege confrontation, however, isn't entirely paranoiac; she sees the plot against conservatives as one thread among several.

None of these truly fits the bill. The theory of the grasping executive falls, despite the positive indications, because the necessary hand-rubbing, fiendish executive isn't there. It wasn't Ronald Reagan's game. As for the idea of Justice Department complicity, unless a trove of new evidence regarding political abuse of Superfund awaits unearthing, there is not much reason to choose this theory. Not enough proof of Justice Department involvement in the malfeasance of Burford and Lavelle exists in an area filled with an abundance of damning evidence. Anne Burford's notion that White House pragmatists wanted to get rid of her and other troublesome conservatives may well be true. But it is inconceivable that James Baker and Michael Deaver could have planned a constitutional confrontation to oust Anne Burford.

The theory that gives the best description of what happened lacks most of the nefariousness of the other scenarios. Strikingly simple, it falls squarely in the category of the all too human. In short, the lawyers wanted to gain a plum they had long coveted and by doing so settle a score.

Envy, wrath, sloth . . .

As the saying goes, lawyers like to argue. Evidently, some of them also don't like to lose, which is precisely what happened to Theodore Olson, Carol Dinkins, and other department and White House lawyers in 1981. The occasion was the executive privilege confrontation between James Watt and Congress, led this time, too, by Dingell and his subcommittee. Watt discusses his experience in a short reminiscence of sorts that Burford has included in her book. When threatened with his own contempt citation, Watt found out he was little more than the beast of burden for some lawyers interested in jousting with Congress essentially for the sake of jousting. At that point, Watt says, he threatened Fred Fielding that he would turn over to Congress the documents in question (which concerned Canadian takeover efforts of American energy companies) unless a compromise was negotiated. As Watt tells it, "And within hours they surrendered the papers to Dingell, because they knew I would be true to my promise." No contempt citation was issued, and Congress saw the documents it wanted.

Among the central characters in that episode were Theodore Olson, Carol Dinkins, and Larry Simms, Olson's deputy and a key figure in the EPA crisis. And as considerable evidence in the House Judiciary report shows, teaching Congress a lesson was very much on their minds when the recommendation was made to assert executive privilege. Of course, it would be foolish to claim the desire for revenge consumed these lawyers like characters from some Jacobean tragedy. In fact, some talk of regaining ground lost in the Watt episode did occur. But at the heart of the conflict was the desire to retaliate for a past defeat. As Michael Barrett, chief counsel for the Dingell committee, said after reviewing the Judiciary Committee's report, "If you look at it, it's the same players as in the Watt thing. There was definitely a desire to get back."

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That desire wasn't motivated by plain one-upmanship. There was something to be gained by winning an executive privilege confrontation and while the victory would be very pleasing to the White House, the lawyers themselves stood to gain something significant. The lawyers had been denied it once and now they wanted to achieve what they originally sought. That something has to do with reputation.

Few people make as good use of Washington's proverbial revolving door as do the lawyers who shuttle to and from prestigious firms and federal agencies with the changing of adminstrations. A stint in the right government office can help make a career. For a high-level government lawyer, having one's name on a landmark case, especially one heard by the Supreme Court, gives added luster to a reputation. To Olson, Dinkins, and Simms, a successful executive privilege case would be a coup. Several aspects of the EPA executive privilege case point to the conclusion that the quest to withhold the documents had to start in some such self-serving desire. The willingness to deceive the president demonstrates that Reagan was not the intended beneficiary of the effort, and no evidence rivals the incredible failure to review the documents for revealing ulterior—and blinding—motives.

If this seems like a far-fetched guess at what went on in the minds of the Justice Department attorneys, Anne Burford's account of her early discussions on the topic of withholding the documents bears repeating. Burford contends that the Justice lawyers "wanted to make a name for themselves in Washington." When the lawyers came to EPA to tell her about the proposal to provoke a confrontation, she asked them how good a case they had. " 'Anne,' they said immediately, 'this is a superb case. This is going all the way to the Supreme Court.' " Admittedly, the noise of grinding axes pervades Burford's book, but this quotation penetrates the din.

Although the constitutional confrontation arose from the lawyers' scheming, blame for the scandal surely is not their's alone. They did, after all, have superiors who ought to have prevented them from embarking on what stands as one of the more ridiculous chapters of Ronald Reagan's presidency. That verdict should not be controversial. Even conservative administration supporters, who lost one of their own in the affair, can't defend cocksure bureaucrats who pursue their own interests to the detriment of the administration. But the clinching irony of the scandal is that the embarrassment issues from the famous Reagan style itself. The president had it coming.

Much of Reagan's success over the last five years has been credited to his ability to delegate authority. While no one could claim that Reagan's ignorance of what his subordinates were hatching at Justice was his own fault, the high esteem in which delegating authority is held made the lawyers' plot possible. Not only does it seem that no one ever questioned what Olson and his associates were up to, but the critical steps were taken when, in short, no one was minding the shop. The decision to pursue the executive privilege claim came at a time when, as the House Judiciary Committee investigators neatly wrote, "Attorney General William French Smith was out of the country, White House Counsel Fred Fielding was out of the office, and Deputy Attorney General Edward Schmults was spending virtually no time on the document controversy."

Compounding the irony is the fact that the debacle occurred during the Justice Department stewardship of William French Smith, probably the president's best friend to serve in the Cabinet. Smith shares his former boss's well-known aversion to work and fondness for socializing—so much so that some in Washington call him the "cocktail party attorney general." That his fief provided the scene for the definitive transgression of the Reaganite value of team playing should not escape attention. ■

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WHO'S WHO in the Administration

J. Edgar Hoover was a master manipulator of the press, consistently gaining fawningly favorable publicity when he often deserved much less. Washington insiders now say that **William Webster** may be equaling or surpassing his predecessor in this skill.

Webster's watch has been marred by a series of mishaps. One FBI agent shot and killed a fellow agent. The agency hid the fact that Jackie Presser was an FBI informant from federal prosecuters and kept concealing information about Ray Donovan from congressional investigators. Another agent was revealed as a Soviet spy. Webster, who likes to be called "Judge," is said to long for a Supreme Court appointment and may be just trying to hold the lid on until the blessed day arrives when **Ronald Reagan** perceives his judicial genius....

A wise friend of ours sees in **Robert McFarlane**'s departure from the White House a repetition of a tragic pattern of Washington bureaucracy. There is always someone like McFarlane who demands access to the president without an intermediary. But there's always a **Donald Regan** who insists everyone go through him so he can preserve some order. The common sense of these situations is that there really is no problem in someone like a McFarlane going directly to the president. The only time a McFarlane should have to check with a Regan would be when coordination with other officials or agencies is necessary. If the one in McFarlane's position informed the one in Regan's in such cases, there's no reasonable ground to deny him access other times....

OMB probably will no longer be the major source for press leaks that it has been. Insiders say the new OMB director **James Miller** is highly defensive, does not appreciate criticism from subordinates, and does not look kindly on employees who talk to the press....

Given the indictment of NASA administrator **James M. Beggs**, perhaps it is time for the Office of Personnel Management to formulate a leave of absence policy for administration officials under indictment. They managed adequately with Ray Donovan, but now that it seems to be a regular pattern, the administration should plan for the future....

Just because the White House has succeeded in keeping **Jerry Zipkin** out of official pictures, does not mean **Nancy Reagan**'s favorite escort has been kept out of the White House. In fact, he was among the select group of beautiful people invited there to dine with the Waleses when they were in town....

The suspicious might look twice at this chronology of events: **Michael Deaver**, who had never shown particular interest in substantive issues while at the White House, last winter helped convince the White House to appoint **Drew Lewis** to be a special envoy to Canada on acid rain. Lewis turned out to be sympathetic to Canada. A few months later, Deaver left the White House to set up a lobbying firm. Three months after that he signed up the government of Canada for an annual fee of $105,000....

The man who was put in charge of defense procurement to regain congressional and public confidence in the military buildup has apparently lost the confidence of Deputy Defense Secretary **William Howard Taft IV**. Taft decided that he, not "procurement czar" **James P. Wade Jr.**, would now be in charge of straightening out procurement. Wade had notified Taft that the acquisition process is ineffective and recommended several controversial changes....

Those whistle-blowers just can't keep anyone happy. Take the case of **William A. Clinkscales**. He had been removed from his oversight job at the General Services Administration during the Carter administration, apparently at the behest of Tip O'Neill, who had friends under investigation by Clinkscales. Reagan reinstated him in 1981, but he didn't last. His oversight office has been abolished and Clinkscales transferred to the Philadelphia regional office....

In

WHITE HOUSE

National Security Adviser—**John M. Poindexter** has been deputy national security adviser.

Special Assistant to the President for National Security Affairs and Senior Director of Latin American Affairs for the National Security Council—**Raymond F. Burghardt** has been director of Latin American Affairs.

Chief of Staff for Nancy Reagan—**Lee L. Verstandig** has been undersecretary of the Department of Housing and Urban Development.

DEFENSE

Air Force Secretary—**Russell A. Rourke** has been assistant defense secretary for legislative affairs.

JUSTICE

Assistant Attorney General in the Office of Legislative and Intergovernmental Affairs—**John R. Bolton** has been a partner in the Washington law firm of Covington & Burling.

AGENCIES AND COMMISSIONS

Geneva Deputy U.S. Trade Representative—**Michael A. Samuels** has been vice president of international affairs at the Chamber of Commerce.

Out

WHITE HOUSE

National Security Adviser—**Robert C. McFarlane** will return to the private sector to become a consultant.

Counsel to the Director of the Office of Management and Budget—**Michael J. Horowitz** will be temporarily associated with the Washington law firm of Dickstein, Shapiro and Morin.

DEFENSE

Air Force Secretary—**Verne Orr** is retiring.

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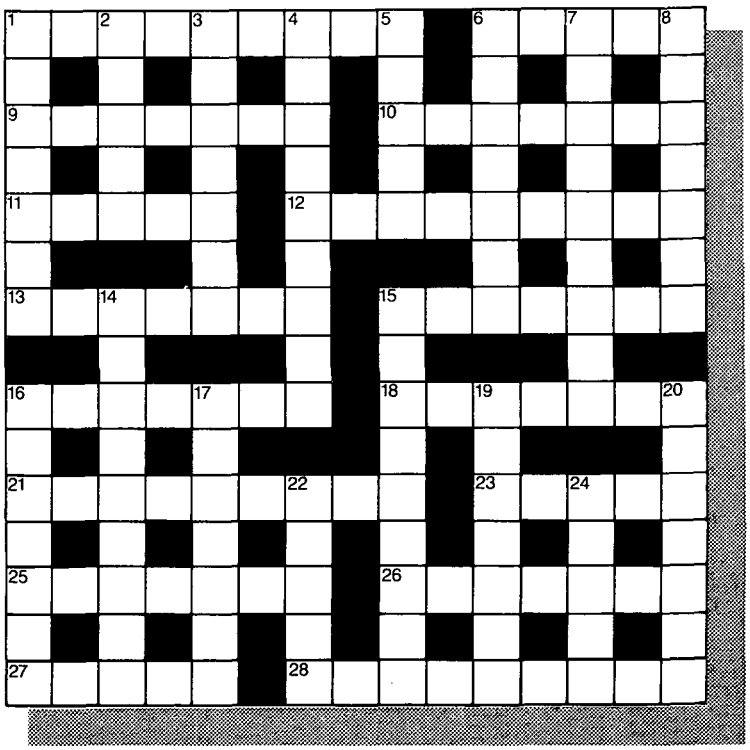
POLITICAL PUZZLE

by John Barclay

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word.



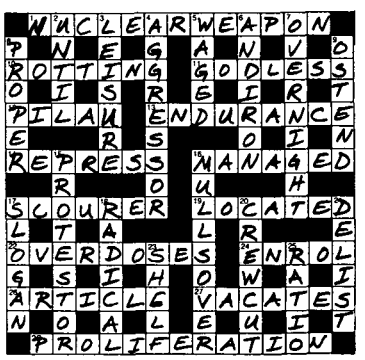
ACROSS

1. Why exit sigh is uttered by old year. (6-3)
6. Took stance on broken Spode. (5)
9. Schedule for weight? (7)
10. Drys take in messy crime in this country. (7)
11. Lover wants nothing after capital. (5)
12. Adjusted sewer rent for Reagan, for example. (9)
13. Paints stripe around nothing for quick answer. (7)
15. Clumsy knee art photographed again. (7)
16. Cover produces warmth in female. (7)
18. Associates badly short after a little company. (7)
21. Suppertimes recalling balanced flow. (9)
23. Collector disturbed Reims. (5)
25. Go back about handle. (7)
26. Not clear it takes in funny bound. (2, 5)
27. Used 500 bad, bad horsemen. (5)
28. Centennial holiday first, then HUD trend developed. (9)

DOWN

1. Pierre X. is opera singer in last act often. (7)
2. Stable hand follows bride to marry her. (5)
3. Vase in weights for inspirations. (4-3)
4. Whee! Rome's a mess in a place. (9)
5. Unknown bet increase heard for examination tool. (1, 4)
6. Give now! (7)
7. Sail around nine parks. (9)
8. Ghosts at high speed? (4, 3)
14. Blocked editor follows public relations affair. (9)
15. Downturn: Reagan first takes up noise about SEC. (9)
16. Acted mercifully in East, then acted harshly. (7)
17. If rags were all, you'd have a vest. (7)
19. Special container traps 499 in funny talk. (7)
20. Injury is par for the course? (7)
22. Low point in audit challenge. (5)
24. Long island or stereo follower. (5)

Answers to last month's puzzle:



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A Washington AIDS Clinic. Photo: Susan Stevens.

The Other AIDS Crisis

Who Pays for the Treatment?

by Steven Waldman

Early in 1984 a 29-year-old resident of Paterson, New Jersey learned he had AIDS. As a result of the illness he lost his job, and with it his health insurance. Shocked and depressed, he secluded himself in his apartment for several weeks, emerging to discover he had lost his opportunity to take advantage of the automatic conversion clause that would have changed his group health plan to an individual plan. No private insurance company would sell him a new policy because of his disease. So he threw himself into the government "safety net." He qualified for Social Security disability insurance, but those benefits were delayed for five months. Meanwhile, he spent all of his savings on utilities, rent, and food. Family and friends helped tide him over. Eventually, the disability checks began coming—$480 a month. That covered most living expenses, but left no money to pay for expensive chemotherapy. So he skipped some of the treatments.

Next, he turned to the government's special medical assistance programs. Medicare offers a special program for the disabled, but he learned that it also has a rather macabre catch-22: you have to wait two years before becoming eligible. Most AIDS victims don't survive two years after their diagnosis. Medicaid, designed to help the poor, seemed a better bet. But, he found to his disbelief, his $480 disability payment made him *too wealthy* to be eligible for Medicaid. In New Jersey, the Medicaid income cutoff is $356. All else having failed, he moved to New York City, where the eligibility laws are more lenient.

This AIDS patient discovered that the disease that battered his body's natural defense system is also straining the health care system that is supposed to protect the ill. Calling the maze of public and private facilities and programs in this country a health care "system" is actually a bit of a misnomer. Unlike most industrialized countries, the United States has no one coherent health care network but a mix of several disconnected systems that are supposed to meet everyone's medical needs. We assume that for-profit and nonprofit insurance industries, with the support of employers, will help most Americans pay for medical care by reimbursing health care providers. In certain cases, when people are too poor to afford proper health care, the local and federal governments are supposed to fill the gap by providing financial assistance and inexpensive public facilities, spreading costs throughout society.

Steven Waldman is an editor of The Washington Monthly. *Vance McMahan assisted with research for this article.*

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'The insurance companies are freaked out. They're just now starting to get the figures in, and they're scared to look at them," says Brent Nance, an insurance agent who counsels AIDS patients.

But in practice, our health care system works more like a misdesigned jigsaw puzzle in which the pieces don't fit. About 50 million Americans under age 65, or close to one-fourth of that population, are inadequately covered by private insurance, Medicaid, or Medicare. Many receive no coverage at all. While no one knows how many AIDS patients forgo treatment because they can't afford it, studies have shown that roughly one million Americans have had at least one family member who was refused treatment for some illness because of prohibitive costs. And as the AIDS crisis demonstrates, when two major components—the federal government and private insurers—flinch at high costs, the burden shifts to local public hospitals that are hindered by woefully inadequate funding and poor municipal planning.

Expensive killers

Fifteen thousand people have contracted AIDS. The U.S. Center for Disease Control (CDC) estimates it costs $147,000 to treat an AIDS patient, or almost $1.5 billion nationwide for the first 10,000 patients. If, starting today, the virus did not attack a single additional person, there would still be approximately 100,000 new patients diagnosed within the next five years. That's $30 billion in new health care costs. Some estimate several hundred thousand new AIDS victims with costs conceivably reaching $70 billion in that period. Even if the numbers are inflated, there can be no doubt that the impact will be devastating to major cities such as New York, San Francisco, Los Angeles, Miami, and Newark, where half of the victims are concentrated.

For the same reason that AIDS is a cruel killer, it is an especially expensive one. When the immune system is taken out of the battle early on, medicine must pick up where the body's natural defenses have failed. Complications are the norm, and patients often need constant monitoring. Treatments such as chemotherapy are expensive, and doctors must often use specialized equipment. The average daily cost of treating AIDS patients is about 60 to 70 percent higher than that of other hospitalized patients, according to officials in New York City. High costs are compounded by unusually lengthy hospital stays—an average of 35 to 50 days per year in New York compared to average stays of seven days for other illnesses.

With such a huge financial crisis looming, what has our national government done to prepare? The Reagan administration has sponsored research and public education but has generally avoided the issue of who is going to pay for AIDS treatment. Instead, the administration has casually assumed that the private sector, states, and cities, will come to the rescue.

Unfortunately, the private sector, in this case the insurance industry, will pay only a modest portion of the cost of AIDS treatment. In San Francisco and New York City, private insurance companies currently pay about 40 percent of all hospital costs and only 13 percent of the costs for patients in public hospitals. The role of insurance companies will shrink in the future. It is less a problem of greedy companies than of the very nature of the insurance industry. To protect themselves from crippling losses, the companies try to avoid sudden, unexpected spending on health insurance policies. That's fine for stockholders and executives, but it's going to make it much more difficult for society to pay for AIDS.

Insuring retreat

"The companies are freaked out. They're just now starting to get the figures in, and they're scared to look at them," says Brent Nance, an insurance agent who counsels AIDS patients for

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the AIDS Project of Los Angeles. Lincoln National, for example, had paid out $4.2 million for 102 claims during a 12-month period ending in November 1985. Al Parsons, a spokesman for the company, says it is not panicking yet, but executives are worried. "There's the potential for a large impact," Parsons says. "We had not planned it into our actuarial tables. It's not in our morbidity charts." The AIDS patients with insurance, after all, are primarily young working people, whose premiums are supposed to help subsidize care for the elderly.

To protect themselves from huge losses, the insurance companies are attempting to weed out high-risk customers. Much attention has been focused on insurance companies' plans to screen life and health insurance applicants with the HTLVIII antibody blood test, which measures the presence of an antibody found in AIDS virus carriers. About 5 percent to 20 percent of those who test positive actually develop AIDS. TransAmerica/Occidental has already applied for permission to use the test in five "high-risk states," including New York and California. Early in 1985, Blue Cross, representing a Fresno, California company, filed for permission to avoid paying for treatment of sexually transmitted diseases altogether, whether employees were high risk or not. The request was denied by the state insurance department as discriminatory, unprecedented, and, interestingly, as an unwarranted shift of financial burden to the state.

Blood test or no blood test, the insurance industry is excluding homosexuals. Companies are already doing this by looking for "lifestyle" clues, such as where applicants live, who they list as their beneficiaries, how old they are, and even their appearance and mannerisms. If you are a young male living in an area with a high number of AIDS patients, the companies are likely to take a hard look at you, says Rob Bier, spokesman for the Health Insurance Association of America, an industry lobbying group. "If an insurer is halfway intelligent, [he] will find some way to deny coverage" if he suspects the candidate is in a high risk group, says Peter Groom, chief of policy approval for the California Insurance Department.

AIDS patients who now have coverage are discovering another fundamental flaw in the way private insurance works. Most people who have health insurance are on group plans associated with their jobs. But in some states, when an AIDS victim loses his or her job—and on average patients are unemployed ten months before their death—they also lose their insurance plans. Some plans, including Blue Cross/Blue Shield policies, have conversion clauses, through which you can hold onto individual policies (usually at much higher premiums). But many large companies that create their own insurance plans do not provide for conversion.

But even when you have a conversion clause, it is usually of little help. For example, had the AIDS patient from New Jersey acted within 30 days of losing his job and changed his group policy to an individual plan, he probably would have run into a problem similar to one other Americans have when they lose their jobs. He is unemployed, ailing, struggling to meet rent and put dinner on the table, and now has to pay an extra $1,500 to $6,000 a year for spotty medical insurance. Many simply don't have money for the premiums. The result: "Most people end up losing their coverage," says Groom.

Even more alarming, are the indications that those who retain their policies may run into problems cashing them in. Both Nance of the L.A. AIDS Project and Mark Senak, legal counsel to the Gay Men's Health Crisis of New York City, say they find an increasing number of patients who claim that companies have denied health payments on the grounds that the employee had a "pre-existing illness." Ultimately, the insurance company must prove that the patients knew they had the disease and withheld the information. But the AIDS patient advocacy groups are so strapped that they don't have time to litigate each case. Here the problem is not the nature of private insurance, but the sleaziness of certain insurance companies. They are saying: you give us these monthly payments, and we will take care of your medical needs—as long as you do not get *too* sick.

If there is any doubt about the lengths to which the insurance industry will go to minimize its role in paying for the AIDS crisis, one only need look at Wisconsin. In July, the state legislature, acting quickly and without notifying the insurance companies ahead of time, prohibited the industry from using the HTLVIII blood test. The insurance industry responded by threatening to exclude AIDS coverage from their policies altogether. Within a matter of weeks, the insurance industry, joining with the state's branch of the American Medical Association, which was concerned about criminal sanctions against doctors who divulge the blood test results, had blitzed the legislature. The lobbying effort endangered not only the prohibition on antibody testing by insurance companies, but also provisions preventing employers from using the test to discriminate against workers. Supporters of the

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The system prevents the wealthy from using illness as an excuse to chisel the government. But it also may force AIDS victims in the last months of their lives to leave their homes and sell their possessions.

original bill quickly agreed to a compromise under which the insurance companies will eventually be able to use the test, but which preserves the employer anti-discrimination clause. "We were faced with a choice," says state Rep. David Clarenbach, a leader in pushing both pieces of legislation. "Do we watch these laws get wiped out, or do we cut as good a deal as we can?... And it wasn't the Moral Majority or the state yahoos. It was the insurance industry and the AMA."

Skimpy safety net

Many people now covered by private insurance will soon find themselves out in the cold. Meanwhile, an increasing number of AIDS victims are being discovered among the indigent intravenous drug addicts of New York, Newark, and Miami. The uninsured and the poor are supposed to be caught by the federal safety net, and the Reagan administration claims that the current array of federal programs is sufficient to handle AIDS. In fact, however, the already overburdened system of federal medical assistance will not be able to protect many AIDS patients.

As the AIDS patient from New Jersey discovered, Congress has imposed a two-year waiting period on Medicare benefits in an effort to cut costs. Most AIDS patients won't live to file their papers. Medicaid, the federal-state medical program for the poor, has picked up some of the costs for people with AIDS—roughly $50 million from Washington in 1985. But there is a catch for the Medicaid program, too. People with AIDS, in fact anyone in America, must first "spend down" to poverty to become eligible. "If they're not already on Medicaid, and they get diagnosed as having AIDS, they have to then impoverish themselves," explains Steven Meskin, chief of Medicaid estimates. "That's the way the program is set up." The system prevents the wealthy from using illness as an excuse to chisel the government. But it also may force AIDS victims in the last months of their lives to leave their homes and sell their possessions. Many states, including California and New York, have modest supplementary medical aid programs that may slightly ease such hardship, but 16 states, including New Jersey, Florida, and Ohio, do not.

Even in states where the gaps are plugged, the basic insufficiency of the Medicaid program pushes a huge portion of the costs onto the hospitals. In New York, which has one of the most generous Medicaid programs in the country, the state and federal governments are reimbursing $500 per day for AIDS treatment that costs $800 per day. New York has a municipal hospital system that picks up the rest. Most cities, however, do not have an extensive public hospital system capable of treating AIDS well. Government assistance falls short for much medical care, but because AIDS treatment is even more costly than most, the gap is wider. As a result private physicians avoid poor patients. "I will not accept [Medicaid] patients," says Peter Seitsman, a private physician in Manhattan who specializes in AIDS treatment. Seitsman says private insurance pays about $60 of his $75-per-visit charge, while Medicaid pays $7, about what it pays for visits to physicians for most illnesses.

And those aren't the only holes in the net. Medicaid does not pay for many experimental drugs or treatments, a particularly troubling provision since many of the drugs used for AIDS are experimental. In addition, neither Medicaid nor the Social Security disability or insurance programs pay for the treatment of AIDS-Related Complex (ARC), a condition that does not cripple the immune system but partially weakens it. Patients manifest many of the same symptoms as AIDS, such as swollen glands, weight loss, night sweats, and recurrent fevers.

The one concrete action the Reagan administration took to improve this situation was

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to ease the qualifications for Supplemental Security Income by making AIDS a "presumptive disability." But a patient still must spend into poverty to qualify. The Health Care Financing Administration has not taken any major steps to widen eligibility or increase reimbursement because it is being held closely in check by the Office of Management and Budget. In fact, OMB has recommended canceling $16 million Congress appropriated for 1986 to set up model treatment programs—the only portion of the AIDS budget targeted at treatment costs.

Perverse federalism

Public hospital systems in urban areas are being forced to assume an increasingly large share of responsibility for AIDS patients who can't pay for their own treatment. New York's municipal hospitals are picking up two-thirds of the costs for the AIDS patients they treat. "We can see a situation when AIDS will overwhelm the local health departments," warns Rep. Ted Weiss, a New Yorker who chairs a subcommittee overseeing the Health and Human Services Department (HHS). Approximately 4,800 New Yorkers have AIDS—one-third of the national total. About 270 of them are in city hospitals at any one time. The New York City hospital system, which has a $1.9 billion budget, spent $55 million on AIDS treatment in 1985. New York State recently estimated that by 1990 the city would be spending $500 million annually on AIDS. If the state estimates are accurate, the city would not have enough beds or money to treat all those patients.

Other forces are working to increase the burden on the public hospitals. Private voluntary hospitals, which have been carrying more than half the AIDS burden, will soon find themselves unable to absorb the huge losses associated with AIDS patients. Already, each of New York City's private hospitals is losing $1 million per year on AIDS patients. If hospitals refuse to turn away patients, they will instead have to cut corners, trimming the less lucrative outreach services and clinics, which primarily serve the poor. Private New York hospitals will have enough bed capacity through 1986, but Bob Thompson, vice president of the Greater New York Hospitals Association, warns that if the number of new AIDS cases continues to double every year, "I'd be a fool if I said we could absorb that."

Matters have been severely complicated by an incredible merging of woes. New York must now deal with a group of people who are drug addicts, homeless, *and* have AIDS. About one-third of New York's AIDS patients and two-thirds of those treated in city hospitals are intravenous drug users who were infected by sharing contaminated needles. The proportion of AIDS patients that are I.V. drug users is expected to rise dramatically, and most of the burden will fall on public hospitals. In addition, about 10 to 20 percent of the city's hospitalized patients are homeless, according to Omar Hendrix, director of planning for the Health and Hospitals Corporation. The drug addicts are weaker, sicker, harder to treat, almost entirely uninsured, and require long periods of hospitalization.

For all of their troubles, some cities could be doing more to help themselves. There are striking differences in how different cities have dealt with the AIDS cost issue and how much of the burden they have passed on again. Although the CDC estimates include figures from New York and San Francisco, a study by Peter Arno, an economist at the Institute of Health Policy Studies at the University of California at San Francisco, concludes that costs in New York City are at least twice as high as in San Francisco. Part of that results from a difference in the type of patients. AIDS patients in New York are more likely to succumb to a form of pneumonia, which requires close monitoring. San Franciscans are more likely to contract Kaposi's sarcoma, a form of cancer that is treated with chemotherapy, often on an outpatient basis. (Scientists think the difference may be related to levels of drug use among the AIDS population.) San Francisco has proportionately fewer drug addicts and infants as patients. Another difference is size; it's simply harder to be efficient when you serve a population ten times as large with more than three times as many AIDS patients. In part as a result of these differences, patients stay in New York hospitals an average of 35 to 50 days, compared to 11 in San Francisco. The length of stay is what drives up the cost; the per day costs are almost the same in the two cities.

Although Arno does not paint the San Francisco health and political community to be more compassionate than New York's, as some have done, he notes that San Francisco has been more organized in setting up alternatives to in-hospital care. At any given time, 10 percent of San Francisco's AIDS patients are in the hospital compared to 20 percent of New York's patients. San Francisco has set up a successful hospice program, funneling money to private groups that have provided 87 housing units and home care for 165 patients. The city provided 62 percent of

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Matters have been severely complicated by an incredible merging of woes. New York must now deal with a group of people who are drug addicts, homeless, *and* have AIDS.

those groups' budgets. New York City, on the other hand, left this side of treatment almost exclusively to volunteer groups. In 1984 New York's volunteer groups provided home care to only 31 patients, and as of November 15, there were only *three*patients in New York City in long-term care facilities, according to Hendrix. Because of New York's high percentage of homeless patients, a hospice system is, if anything, even more necessary.

Although New York is now matching San Francisco in dollars spent and is expected to announce a new plan to provide hospice care, as of 1984 it had spent less than $600,000 on hospice facilities; San Francisco had spent $7.4 million. Finally, those other two players in the health care process—the private insurers and the federal government—do not help matters. Many private insurance plans cover in-hospital costs, but not hospice care, and the Medicaid program covers home care but also omits hospice programs.

In New York City, the government's failure to plan ahead means that patients are now kept in hospitals far longer than they need to be. Hendrix estimates that with an extensive hospice network, the city could cut costs anywhere from 25 to 33 percent. "Urban planning has not taken place because politicians did not want to be associated with a gay disease," says Senak of the Gay Men's Health Crisis. "You can't just leave the planning to volunteer groups. This malign neglect is costing a tremendous amount of money."

Volunteer groups, the real heroes of the AIDS treatment crisis, have set up limited social service programs. In New York, the Gay Men's Health Crisis has established an underground network of sympathetic landlords who secretly house about 30 AIDS patients in their apartments. Arno's study even quantified the volunteer effort for San Francisco at 125,000 volunteer hours, without which the city would have had to spend even more money. There is, of course, no way to quantify the medical and emotional benefits to an AIDS victim who has a stable place to live with a visiting nurse, instead of having to travel from one temporary shelter to another every few weeks. The difference in the cities' reactions also has a great deal to do with the political stature of the risk groups. Gays in San Francisco are an important part of the power structure, with a member of the board of supervisors and a community of powerful business and social leaders. Politicians were forced to deal with the disease as soon as its nature became evident. In New York, it is still considered politically risky to be closely associated with gays. "Ed Koch didn't want to be associated with the gay community," Arno says, noting that the recently reelected mayor has long attempted to play down rumors that he is a homosexual.

When the city tried in 1985 to place AIDS patients in a nursing home in Queens and the Catholic Archdiocese tried opening a hospice on the Upper West Side of Manhattan, the communities erupted in frenzied protests. Unfortunately, the realities of local politics virtually guarantee that every local elected official will be out with a placard and bull horn trying to block such shelters. That is why the federal government ought to consider New York's problem its own problem. The federal government has a responsibility to help when some citizens are being afflicted disproportionately, particularly when bigotry or political inertia prevent local government from stepping in. We should also remember that New York and San Francisco do not have high numbers of AIDS patients merely because those infamous high-risk group members live there. AIDS patients from all over the nation are

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flooding to those two cities because they have the best medical care.

Curing the maladies

The AIDS treatment crisis reflects larger flaws in the health care system: disparities in the quality and availability of treatment, gaps between private and public financing, and inadequate support for the poor. To address these problems fully would require dramatic, long-term changes, such as instituting national health care and federal insurance regulation. The nature of the AIDS crisis compels immediate action.

The new HHS secretary, Otis Bowen, should make it his first priority to deal with *all* aspects of the AIDS problem. It is the federal government that must lead in this area. Many of the problems result from medical federalism: each state has sewn a different piece of our patchwork health care system. Left to its own devices, the system has not distributed the burden of the AIDS crisis evenly. A patient in New York is better off than a patient in New Jersey; one in California, better off than one in Texas. There is no coherence and no equity.

If some states are coping better than others, it's the federal government's responsibility to find out why and help improve those in the worst condition. Sen. Lowell Weicker included $16 million in the $237 million AIDS appropriation approved by Congress in November for pilot treatment programs. This pilot program, a drop in the bucket, should be followed up with funds to replicate successful experiments. That will end up reducing costs per patient.

Congress should open the Medicare program to AIDS victims, as it has to patients requiring kidney dialysis. Rep. Ted Weiss, sponsor of a bill to change the Medicare rules, has offered legislation providing a $60 million fund to aid state governments in their battle. Congress should also allow Medicaid to pay for hospice care and experimental treatments. Meanwhile, state governments can help relieve the burden of local health departments by picking up a larger portion of the Medicaid reimbursements themselves.

Finally, Congress should require that states set up high-risk insurance pools, as eight states already have done. True, federal regulation of the insurance industry is almost as frightening to some as AIDS. Nonetheless, these programs work. Wisconsin, for example, has an industry-funded insurance pool, which allows uninsurables to obtain coverage at slightly above market rates. A bill by Rep. Barbara Kennelly would impose a stiff tax on companies if they do not take part in a risk pool.

Government is so often accused of being incapable of planning ahead, of not having the foresight to avert major catastrophes with common sense prevention. Here's a chance to prove that wrong. Just because it's an AIDS problem doesn't mean it is incurable. ■

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the
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300 South Wacker Drive
Chicago, Illinois 60606
Phone: (312) 353-5160

November 8, 1985

MEMORANDUM TO REGIONAL DIRECTORS I-IV, VI-X

Colleagues,

Enclosed newspaper articles will be of interest in describing our new "designated" — leader. First, he is a fine person, in all respects. We will like him, and respect him.

He was my direct "boss" and "leader" for eight (8) years. We will all like working with, and for, him. He is very intelligent; a hard worker; sensitive and considerate; unpretentious; low key; does his home-work and thus is well informed; available to everyone and/or group; steady and consistent; predictable; willing to listen and welcomes all points of view; loyal to his friends and supporters; "reaches-out," flexible and undogmatic; cooperative; kind to everyone; has genuine concern for people; runs his meetings businesslike; he's fair and just; runs a financially tight and effective operation; insists on integrity in his staff; his plans, programs and actions are well thought-out and planned in advance; he does not ever "go-off" half cocked; not a big talker or back slapper; impeccable personal habits; exemplary background and reputation; his ego does not get in the way of his listening to people; he's reasonable in his expectations of others, but looks for quality; and, he is a results oriented person.

A fine person in every respect. We are lucky President Reagan selected him, and that he accepted.

Wayne A. Stanton

Enclosures

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PRIME TIME PABLUM

How Politics and Corporate Influence Keep Public TV Harmless

The staff of the Corporation for Public Broadcasting (CPB) had a good idea about a year ago. Why not organize a swap of Soviet and American television programs so Americans could gain a better understanding of Soviet life and propaganda? It would be thought provoking and probably entertaining. And in a TV world dominated by "Dynasty," "Dallas," and docudramas such as "Mussolini: The Untold Story," it seemed like a worthy project. The American-Soviet exchange would be just the sort of valuable alternative programming public television had been created to promote.

The exchange has yet to take place. A majority of the CPB's directors, appointees of President Reagan, killed the idea, declaring it would spread unhealthy political ideas. "I mean the Bolshoi is fine. You know, ballet is ballet," said Richard Brookhiser, a member of the CPB board and former speechwriter for Vice President Bush. "Nature programs. . . little things grazing in the tundra. Fine. . . but if we are going to be opening the doors to wonderful Soviet ideas on their own history or something, this is just disastrous."

Soviet censors would have appreciated the decision. And unfortunately, it is not the only example of narrow-minded ideology shaping public television programming. Ever since Congress created the CPB in 1967, public television has been the victim of manipulation by the White House and corporate sponsors. Unlike Soviet control of the media, this intervention generally has not resulted in U.S. government propaganda. Rather it has made public television soft, noncontroversial—and, mostly, boring.

Public television was to have had the freedom to be excellent and provocative. America's love of commercial TV has never waned, but by the 1960s many viewers and critics agreed that for all of its entertainment value, commercial programming would never cover public affairs adequately. Its reliance on the purely mathematical correlation between ratings, advertising, and profits force it to appeal to the greatest number of possible viewers. As a result, commercial TV executives neglect shows that have intrinsic, but little commercial, value.

The only way to combat this natural tendency, Congress and the leaders of several major foundations concluded, was to support a public television network that would give programmers the freedom to produce "quality" TV. In 1967 Congress passed legislation to link dozens of local educational stations in a national network which was later named the Public Broadcasting System (PBS). At the same time, Congress established the Corporation for Public Broadcasting to help provide financial support. Legislators promised a new frontier for high-quality television where journalists would be free

S.L. Harrison, former director of corporate communications for the Corporation for Public Broadcasting, is an adjunct professor at the American University.

BY S. L. HARRISON

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'We have men on that CPB board,' presidential adviser Daniel P. Moynihan wrote to Nixon chief of staff, H.R. Haldeman. 'Why aren't they looking out for the president's perfectly legitimate interests?'

to tackle the important issues of the day.

That was how the myth of public broadcasting was born. It was a myth, PBS executives soon learned, because quality is very much in the eye of the beholder—and those with power had very different ideas from those who produced the shows. Over the years, outside political interference has imposed as many constraints on public TV as commercial sponsors had on the networks. As a member of the CPB staff from 1976 to 1985, I was always aware that our efforts were being evaluated for their political 'correctness'.

Nixon's knock-out

The politicizing of public television began only two years into its life. The Nixon administration viewed many public news shows and documentaries as "liberal" and anti-Nixon. Nixon's chief of the Office of Telecommunications Policy, Clay T. Whitehead, led the assault, identifying a pattern of "objectionable" public affairs programming. In particular, the Nixon men criticized the National Public Affairs Center for Television (NPACT), which produced documentaries on anti-war protests and domestic unrest. The NPACT gave a forum to Nixon opponents, such as George McGovern, who at that time were getting little network air time. The administration assailed shows such as "The Advocates," a series of political debates; "The Great American Dream Machine," which often depicted turmoil over Vietnam; and "Thirty Minutes With. . .," a weekly interview show. In retrospect, these shows seem remarkable only for how tame they were during the wildly turbulent late 1960s, but they regularly angered Nixon and his deputies. Particularly irksome to the White House was public TV's cast of political correspondents. Presidential speechwriter Patrick Buchanan referred to "our less competent journalistic adversaries," and other White House officials identified the offenders as journalists Bill Moyers, Martin Agronsky, Robert MacNeil, Sander Vanocur, and Elizabeth Drew. It is true that these people may have had moderate liberal points of view, but they were in no sense stridently opinionated.

But the administration was so sensitive to even the meekest criticism that it viewed them as a threat. Rather than working cooperatively to assure a broad array of opinions on PBS programming, the administration executed a powerful one-two combination to knock out disagreeable programs. First, Nixon vetoed additional congressional funding for CPB; second, he decided to use the CPB board, whose members are appointed by the president, to halt critical programs. "We have men on that [CPB] board," presidential advisor Daniel Patrick Moynihan wrote in a November 30, 1970 memo to Nixon Chief of Staff H.R. Haldeman. "Why aren't they looking out for the president's perfectly legitimate interests?" Of "The Advocates," Moynihan wrote to the CPB, "It seems to me yet another example of a persistent pattern of biased treatment of the administration by public television." Within two years, the shows that the White House found irritating, including "The Advocates," were off the air.

During this period, the CPB began its perennial attempts to pacify, rather than ignore, presidential pressure. According to documents released in 1979 under the Freedom of Information Act, the CPB submitted to the White House a schedule of the programs and guest lists for upcoming shows and made efforts to feature par-

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NETWORK DOCUMENTARIES ON THE BLINK

by Jonathan Alter

When I began covering the media for *Newsweek* last year, P.R. people for the networks, knowing a new man on the beat when they saw one, played a little game with me. I would ask how many hours of documentaries were scheduled for the season. They would give me complex-looking charts with categories like "public affairs programming" or "news programming" that always showed the numbers up from the year before. They knew that I knew the charts were phony; "public affairs programming" usually includes such things as magazine shows and late-night and early-morning news shows. But at least their little game showed the networks still cared about how they were perceived on the issue of documentaries. Now, only a year later, they barely even try to jiggle the figures. Why bother? It's perfectly obvious that the hour-long documentary form is close to death at the commercial networks. CBS, long the premier documentary maker, is scheduling only six to eight hours for next year, less than a third of what appeared in 1984. Many of the finest documentary producers chose to take early retirement during the network's recent turmoil. NBC has cut back its "White Papers," and ABC, which for a while tried to close the respectability gap with CBS, has cut its staff and even banned the word "documentary" from news specials (too boring).

Unlike at PBS, the decline of documentaries at the networks does not have much to do with the role of government, though a little interest on the part of the FCC, which once encouraged such programming, might have helped slow the process. The change obviously has a lot to do with commercial pressures, not from sponsors but from the business divisions of the networks. Until recently, the business side provided special dispensation to the news divisions, partly as a matter of prestige and partly because combatants in the rating wars observed a cease fire when it came to documentaries. The willingness to judge documentaries by a less rigorous rating standard has eroded as network television's glory days of boundless revenues have faded into the past. After years of printing money, CBS, for instance, suffered losses last quarter for the first time ever. The "prestige" issue, however, is more interesting and generally less well understood. The real change may have as much to do with the internal culture of the networks as with economic issues. Today's news executives still care about what people think at cocktail parties and in the print press. But there seems to have been a change in the definition of what is required to meet minimum socially accepted standards of prestige.

In understanding how network culture has changed, it's important not to romanticize the "golden era" of documentaries. Some of the programs were boring, and most were comparatively unpopular with the public. Moreover, for all of Fred Friendly's complaints about how it's a good thing Edward R. Murrow didn't live to see "West 57th," CBS's new yuppie magazine show, the fact remains that Murrow, the plaster saint of CBS, himself conducted a number of puffy celebrity interviews on "Person to Person." Even the famed "See It Now" ran stories that would lead you to change the channel if they appeared nowadays on "60 Minutes." Friendly, often described as "Fred Formerly" by CBS employees because he is so frequently identified as "former president of CBS News," even though he resigned nearly 20 years ago, does not often mention that.

The only reason for emphasizing that point in the context of Murrow's and Friendly's often-brilliant documentaries, plus the fine work of Walter Cronkite and Bill Moyers (to use just CBS as an example), is to suggest that the documentary forum is not immutable. There are different ways to make television enlightening. The philistine analysis of what happened—that if it weren't for the bean counters we'd still have our documentaries—is too pat. It's true that news executives, at least at CBS, are suddenly ambitious to make it on the corporate side, whereas in years past, becoming president of the news division was the climax of a career and the end of the line. And this can severely harm the overall position of news in the company. But it doesn't address the issue of documentaries, because documentaries have been undermined not only from com-

Jonathan Alter is the media critic for Newsweek *and a contributing editor of* The Washington Monthly.

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mercial pressures outside the news division but from within.

The difference between the pro- and anti-documentary people is often one merely of degree and tone. To use a political analogy, it's like the difference in the early 1960s between John F. Kennedy and Adlai Stevenson. Don Hewitt, the creator of "60 Minutes" and a pivotal figure on this question, directed the 1960 Kennedy-Nixon debates, which helped elect Kennedy. In this analogy, Hewitt is JFK. His thinking in 1968, when "60 Minutes" was created, was, "Let's do public affairs broadcasting, but in a quick, muscular, pragmatic, modern way." The Stevensons of the networks preferred the old-time, liberal religion of hour-long documentaries. Why liberal? Because documentaries were by their nature an implicit challenge to the status quo on issues like farm migrants ("Harvest Of Shame") and national defense ("The Selling of the Pentagon")—a way of thinking that once helped define what liberalism meant. Whether shows were in fact liberal or not, they were perceived as such, which helps explain later conservative attacks on the networks.

To continue the political analogy, the Kennedys won. If you still believed passionately in hour-long documentaries in the face of the brilliant success of the news magazine format, you might have been a little too idealistic and soft-headed, a little too boring, a little too Adlai. Of course, some hour-long documentaries continued to be made, and some hard-headed producers made their reputations on them. But by the mid-70s, with "60 Minutes" accounting for nearly *one-third* of CBS, Inc.'s total profits and ABC's "20/20" a success, the battle was winding down. In the early 80s, the presence of so many stars in the milliondollar salary range raised the stakes further. The stars could not be profitably used on low-rated documentaries. And satellite technology and new fancy graphics changed the game even more. Before long, the question became not what *should* television and news do, but what *could* it do—technologically.

That is a partial explanation, not a justification. The truth is that there is no good reason why the networks can't have both news magazines and full-length documentaries. ABC's answer has been the three-hour documentary, which is too long for most viewers. It's as if the executives are thinking they'll get it all over at once, thus discharging their public responsibility. But at least that network is making a stab at it. The evening ABC devoted to public schools last year was perhaps the best documentary of the past three or four years. The other networks should have felt jealous. Figuring out how to do that—how to shame the networks into more civic responsibility—isn't going to be easy, particularly with no quiz show scandal or activist FCC to help out.

Maybe I'm the most naive media critic around, but I still cling to the belief that given a consistent time slot, the absence of which is a major problem for documentaries, the good stuff can be popular. Technology may have shortened attention spans, the economics of the business may have even become less forgiving, but the secret is the same as it was in Edward R. Murrow's day—controversy. Traditionally, the networks avoided controversy at all costs. Executives feared that the government, which was allowing the networks to get rich off of the public airways, might step in. But nowadays that will not happen—an advantage of the otherwise deleterious absence of government regulation. With the FCC inactive, and sole corporate sponsorship largely a thing of the past, the aversion to controversy no longer makes much sense. Its survival is a product of bureaucratic cautiousness. And it's a foolish cautiousness that costs the networks money. The dumbest thing about the much maligned "West 57th" is not that it is often fluffy; the network news divisions have had fluffy fare for years. The shame is that if it were tougher and better, "West 57th" would probably be more profitable. Packaged right, quality sells.

The proof lies in the very type of program that helped discredit the documentary in the first place. "60 Minutes"—a news program—is the most successful television show in the history of the medium. Its glory days were when it was tough—when you called your family into the room and said, "Watch Mike Wallace nail that guy." Hewitt knows this. After a few years of mostly soft stories and slippage in the ratings, he's now moving back to harder-hitting stories, though without the ambush interviews and other objectionable techniques.

Hewitt likes people to believe that "60 Minutes" can't be duplicated, and ABC's failed attempts seem to bear him out. But just as news magazine shows modified the traditional documentary, some other form can modify the news magazine. In a way, it already has. ABC's commendable "Nightline" runs nearly neck-and-neck with the Johnny Carson show. And something similar could work in prime time. In television, the public affairs wheel can be constantly reinvented. The talent is there. All that's missing is the commitment. ■

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ticipants friendly to the administration. The memos reveal a cynical, concerted effort to blunt criticism of the administration. CPB staff members met regularly with White House representatives to assure them that unpalatable programs were banned.

Nixon made his displeasure public in his veto message, which focused on program costs and the excessive salaries of PBS news people. Congress subsequently passed a lower level of funding for all public affairs shows. Nixon also forced out John Macy, CPB's first president, as politically unacceptable.

Although political intervention continued under Presidents Ford and Carter, the late 1970s provided an opportunity for some rebuilding of the CPB public affairs department. A modest documentary fund was established in 1978 to pump a few public affairs programs into the PBS pipeline. In the early 1980s, before the Reagan administration was able to appoint a majority of the 10-person board, a professional broadcaster, Edward Pfister, took over as CPB president. He deserves credit for pushing for increased public affairs programming. Pfister was responsible for "Frontline," public TV's only regularly scheduled documentary show, which still runs; the hour-long MacNeil-Lehrer news show; and "Vietnam: A Television History," an award-winning 13-part documentary.

Reagan takes his cut

But now, with the same spirit and some of the same personalities of the Nixon adminstration, the Reagan administration has renewed the effort to emasculate public affairs. In its first budget plan, the Reagan Office of Management and Budget proposed the total elimination of public broadcasting. If it wanted to survive, the adminstration said, let it do so by selling advertising, hunting for more foundation money, or letting viewers pay for it. In response, Congress cut funding by $35 million in 1983, a drop from $172 million to $137 million. Even the protection afforded by "advance-year funding," a buffering device put in place in the wake of the Nixon purges, failed as Reagan won a recision of money already authorized. This congressional cave-in cut deeply into already lean budgets. Among the first casualties were news and public affairs programs; in some cases entire staffs and departments disappeared. The Boston and San Francisco stations eliminated their news operations, and West Virginia dropped 80 percent of all its news coverage.

In a 6-4 vote, the Reagan-controlled CPB board in 1984 deposed three-term Chairperson Sharon Percy Rockefeller, replacing her with Sonia Landau, a skilled political in-fighter, who headed Women for Reagan/Bush ("Reagan Women Do It Twice") and once took on Ed Koch as a congressional candidate in New York. The ouster of Rockefeller turned out to be more than a clash of two strong personalities, although it was that, too. The boardroom brawl clearly illustrated the partisan division within CPB. Landau's conservative supporters voted en bloc to oust Rockefeller, and the broadcasting newspaper *Current* chronicled the episode with a story headlined "Iron Curtain Falls on CPB."

Leading the conservative pack, Vice Chairman R. Kenneth Towery, a former aide to then-Senator John Tower, asked repeatedly why public television must focus on controversial issues instead of programs that emphasize patriotism and national achievements. Landau agreed with Towery's sentiments on the proposed Soviet exchange because she was certain that public television programmers would be patsies for Soviet propaganda. Landau said of the local station officials, "We're not dealing with the brightest and the best here." Landau cited congressional pressure to cancel the exchange, making clear that she viewed the CPB as a "federal agency." She threw away the original concept that the CPB should act as a "heat shield," protecting public broadcasters from direct congressional or White House pressure.

Public broadcasters did visit the Soviet Union recently under PBS auspices but without CPB support. The results were not surprising. Talks are progressing on an exchange of "value neutral" programming—science, culture, and nature topics. But even these shows have built-in hazards, warn broadcasters sympathetic to the Reagan approach. One delegate, Steve Kimatian, president of Maryland Public Television, pointed out that the Soviet "ideologies and moral values" permeated the proposed cross-cultural programs. He cited as one diabolical example a children's program in which emphasis was placed on individual children fitting into their peer groups. Pfister ended up resigning over the controversy after several bitter verbal exchanges with Landau.

Gagging Bill Moyers

Reagan-era funding cutbacks have aggravated another chronic obstacle to controversial public broadcasting: reliance on corporate sponsors. With less CPB support, PBS and its local stations

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Mobil's "Masterpiece Theatre," with its opulent settings and dazzling costumes, makes for soap opera at its very best, and such shows will never disturb viewers with topics like brutality in South Africa, poverty in Mississippi, or toxic waste in our backyards.

have become more dependent on corporations and foundations. Corporations have traditionally funded many public TV shows but have generally favored cultural, scientific, and educational programming over public affairs. On occasion, private sector benefactors have attempted to control the tone and content of those public affairs shows they do support.

In 1985, corporations provided PBS with $55 million, compared to $23 million from the CPB. Producers and journalists report that the increased reliance on big business backers has had a tangible effect. Bill Moyers said recently that corporate sponsors called many of the shots in the making of his public TV documentaries. He told *Variety* that his series, "A Walk Through the 20th Century," funded by Chevron, was less than it should have been. "I should have been able to air controversial views," Moyers said. "I wasn't." He said another show, "Bill Moyers Journal," had its corporate support withdrawn after three "controversial" programs. While I worked at CPB, public TV producers regularly showed programs to underwriters to make sure that they would not offend sponsors. Corporate sponsors declare candidly that they do not throw money away on programs that don't promote a "feel-good" image for the company. PBS officials say they are now having trouble finding sponsors for several documentaries, including one on unrest in the Philippines, one on the civil rights movement in the U.S., and one on black heroes.

Barry Chase, vice president of PBS news and public affairs programming, told *Variety*, "We'd love to do a program on the history and role of business in America, but who will underwrite that? We're also looking to do a series on Latin America and the Soviet Union, but it is unlikely those will have corporate sponsors, so they may have to be shelved."

The Right takes AIM

The most concentrated attack on public television in recent years involved the highly acclaimed series, "Vietnam: A Television History." Co-produced by PBS and WGBH-TV in Boston, the 1983 series won six Emmy Awards, a Peabody Award, a Columbia/DuPont Award for TV journalism, and the Organization of American Historians' Award. However, Reed Irvine, who heads the conservative organization Accuracy in Media (AIM), did not like the show. With encouragement from members of the Reagan administration, AIM produced a rebuttal to the Vietnam series entitled "Vietnam: Op-Ed—An Inside Story Special." The two-hour AIM show, narrated by Charlton Heston, purported to illuminate "serious errors and distortions" committed by PBS and WGBH. Aired by PBS last July, it did not live up to that promise.

While dissenting views—right-wing or otherwise—are always valuable, the AIM rebuttal was blatantly biased and one-sided. Attempting to prove a leftist cover-up of the imminent communist threat to American security, the show often wandered away from the topic of the Vietnam series. For example, AIM alleged media distortion of American activities in Central America, a subject never addressed by WGBH.

How did the AIM show get by those at PBS who oversee programming? Chase conceded that the film was "below our standards." But he defended the show as PBS's chance to offer alternative points of view. The nation's TV critics roundly roasted the AIM film and PBS brass for

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running it. Meanwhile, the PBS decision infuriated those at WGBH closely associated with the Vietnam series. Richard Ellison, executive producer of the series, said he believes the Reagan administration pressured PBS to air the show, pointing out that the National Endowment for the Humanities gave an unusual $30,000 grant to AIM to help produce the show. Chase and Irvine denied administration pressure.

Peter McGhee, WGBH program manager for national productions, commented that the AIM film "sets a terrible precedent for PBS because it means we no longer have a standard to appeal to. [The documentary] did not meet standards that PBS had previously enforced in its role as 'gate-keeper. . . .' " Despite the PBS defense that it was simply airing an alternative point of view, the network has dug itself into a pit. As Stanley Karnow, the prize-winning author of the Vietnam series, said, "Is PBS going to let AIM or any other group respond whenever they have a complaint?" Worse, will a fear of political reprisal replace professional judgments on public program quality?

More than fur, fins and feathers

After the ideologues and corporate sponsors have their way, what is left on PBS? As viewers know, most public TV stations run as many imported British dramas of the "Masterpiece Theatre" variety as possible. This series, a staple since public TV's early days, is a public relations coup for its corporate underwriter, Mobil. The opulent settings and dazzling costumes make for soap opera at its very best, and such shows will never disturb viewers with topics like brutality in South Africa, poverty in Mississippi, or toxic waste in our back yard. To its credit, PBS has filled a vacuum by providing musical and dramatic specials not found on the networks. And there is the one area of public television that reaches a diverse audience—children's programming, such as "Sesame Street" and "Mr. Rogers' Neighborhood." There is money for all these programs; they are safe and sure to please.

The remainder of public TV is what we might call the F Formula programs—fur, fins, and feathers. Programs on Mother Nature and her cuddly brood are a proven route to programming pleasure. It is fine to see tigers and chimps on the "National Geographic Specials," but don't expect PBS to investigate the world of tax-free enterprises, like the biggest of the publicly-subsidized magazines, *The National Geographic*. Not when there are whales and birds and giant green things to divert our attention.

The public affairs programming that is around is simply not sufficient, in quantity or quality. Timorous broadcasters, without a twinge of bad conscience, can sit back on their laurels and take a bow for programs of dance and drama, a few Ivy League football games, some uplifting education episodes, some of nature's friends and a dash of non-controversial documentary.

But whatever happened to those noble goals of improving society through alternative programming? Where are the programs with in-depth journalism, with bite? Unfortunately, they are not, by and large, on the commercial networks either. Those broadcasters used to feel they had a social obligation to put on public affairs programming. But when public television came along, they were liberated to concentrate only on the socially conscious programs that also happened to be profitable. There is no one to pass the buck to now that public television has abdicated its responsibility.

Public television is obliged to assume a new role in the areas of news and documentaries. The only way to do it is to protect public broadcasters from political and corporate influence. Providing that security will not automatically produce perfect public affairs shows. Several of the shows that Nixon attacked *did* have a liberal bias. But it is not for the president or Chevron to decide what is good or bad. Broadcasters may err, but they should be allowed to make judgments on which shows will be most stimulating to their viewers.

To acquire the independence it needs, PBS must have more money and insulation. One possibility is to adopt a small excise tax on the sales of radios and TV sets, putting the proceeds into a tamper-proof trust fund. If PBS didn't have to worry about where its next meal would come from, it would be free to cook up a more interesting array of public affairs programs. This freedom would assure that member stations, as well as independents (long denied sufficient funds from CPB and PBS), would have the means to produce works of high artistic and journalistic merit. Having a certain amount of financial independence to start with, PBS could then ask corporations to contribute to a general fund for public broadcasting, rather than underwrite a particular show. Without a wall between the politicians, the corporations, and the broadcasters, public television will continue to fail in its mission to provide alternative programming in the critical area of public affairs. ■

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CRIMINALS BY ANY OTHER NAME

by Russell Mokhiber

Take a moment and listen to the victims of corporate crime in America:

"Some of these executives from the chemical companies belong in jail. We have veterans and children who have spent years trying to cope with catastrophic disabilities without help. Now that we know who is responsible, we want help for the veterans, and we want the people who sold them out to go to prison for it."

—Michael Ryan, Vietnam veteran, whose daughter Kerry was born with severe disabling birth deformities. Kerry was conceived after her father returned from Vietnam, where he spent much of his time stationed in jungle areas that had been sprayed by a chemical known as Agent Orange.

"We must reserve the right to litigate against the asbestos companies and/or the government. They have been guilty of mass reckless homicide, and if this type of terminology seems harsh, may I remind you, that mesethelioma (an asbestos-related disease) is a harsh cancerous disease which is terminal."

—Constance Ruggieri, asbestos victim, testifying before Congress against legislation that would limit the rights of asbestos victims to sue asbestos companies for damages.

"I think the top people who did this ought to be put in jail. They have killed women because they would not come out in the open and say their product wasn't safe."

—Susan Herman, victim of the Dalkon Shield interuterine device (IUD).

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The executives responsible for the recent corporate catastrophes popularly known as Agent Orange, asbestos, and the Dalkon Shield are not in jail and will not go to jail. With the exception of informed victims, few of us describe these cases in the language of crime, even though in each case there is a wealth of evidence that victims were put at unacceptably high levels of risk of severe injury and death and that corporate executives knew of the risks, yet failed to take appropriate preventive action. Even Morton Mintz, the award-winning *Washington Post* investigative reporter and author of *At Any Cost: Corporate Greed, Women, and the Dalkon Shield*,* a powerful indictment of the A.H. Robins pharmaceutical company, does not use the word "crime" in telling the sordid tale of the Dalkon Shield.

To the journalists and lawyers of our world, the trappings of crime do not apply unless there is a conviction. To some victims, however, the words "crime," "criminal," and "jail" are eminently applicable. Maybe lawyers and journalists don't use these words because they fear lawsuits, and maybe victims use them because they have less to lose. But perhaps there is something more: It could be that the experience of being victimized strips away the layers of corporate created by million-dollar Madison Avenue advertising, giving victims a more accurate picture of the interests our criminal law protects and those that it should be protecting.

"Crime is a sociopolitical artifact, not a natural phenomenon," Herbert L. Packer wrote in *The Limits of the Criminal Sanction*. "We can have as much or as little crime as we please, depending on what we choose to count as criminal." As a society, we have chosen to have very little corporate "crime," in Professor Packer's sense of the word, and by so choosing we have insulated the corporation from the effective sanctions and stigma of crime. While criminal sanctions exist as an option for many federal law enforcers, they usually choose less opprobrious, less effective, and more easily won civil sanctions. Consent decrees, recalls, and civil fines are the types of weapons realistically available to those authorized to crack down on illegal corporate behavior. Euphemistically known as "regulators," the cops who investigate corporate crime face some of the most powerful lawbreakers in society without effective access to meaningful sanctions.

'Regulating crime

At the turn of the century, as corporations became increasingly wealthy and powerful, legislatures moved to protect the public from injuries resulting from corporate excesses. In 1890, Congress passed the Sherman Antitrust Act, which forbade monopolizing or attempting to monopolize trade. The act was designed to bust the corporate monopoly makers who were threatening the competitive economic system. Violation of the act was a criminal offense, punishable by a fine not exceeding $5,000 or by imprisonment of up to a year, or both.

The Sherman Act and a host of subsequent laws aimed at controlling corporate wrongdoing were, however, different in one crucial respect from the criminal laws which governed non-corporate citizenry. In what Edwin Sutherland, America's first corporate criminologist, called a "radical departure" from the historical development of criminal law, legislatures gave prosecutors of corporate crime the option of seeking a *civil* injunction to enforce a law carrying criminal sanctions. No such option was given to local prosecutors responsible for enforcing the laws governing murder, burglary, or robbery.

Rather than charge the corporation with a criminal violation, then prosecute the case in open court before a jury, prosecutors chose in the overwhelming number of cases to seek to enjoin the corporation in civil court from further violations of the law. This civil injunction against crime, chosen primarily because the criminal sanctions are so weak and comparable civil sanctions can be obtained without meeting higher standards of proof required in the criminal realm, has become the routine choice of federal "regulators."

In the relatively rare cases where the federal cops decide to go the criminal route, they rarely demonstrate a will to prosecute vigorously. Most recently, the Reagan Justice Department, under pressure from public interest groups and journalists, entered the criminal ring against two very large pharmaceutical companies, and in both cases, pulled its punches.

On August 21, 1985, the Eli Lilly drug company pleaded guilty to misdemeanor counts of failing to notify the U.S. government of numerous deaths and injuries among overseas users of Oraflex, an arthritis drug. Without knowledge of

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Russell Mokhiber is a staff attorney with the Corporate Accountability Research Group and is completing a book on corporate crime.

**At Any Cost: Corporate Greed, Women, and the Dalkon Shield.* Morton Mintz. *Pantheon, $17.95.*

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I told [the A.H. Robins official] that I couldn't, in good conscience, not say something about something I felt could cause infections. And he said that my conscience didn't pay my salary. . . ." said E. Wayne Crowder, a quality control supervisor.

these overseas deaths, the U.S. Food and Drug Administration (FDA) had approved Oraflex for use in the U.S. FDA records reveal that 49 Oraflex- related deaths and 916 Oraflex-related non-fatal injuries have occurred in the U.S. Lilly was fined $25,000; William H. Shedden, a former Lilly executive who pleaded no contest to the charges, was fined $15,000.

The Justice Department's prosecution of Lilly came more than two years after the FDA recommended that three Lilly executives be prosecuted, but senior department officials overruled the attorneys. The Justice Department had sufficient evidence to prove felonies, which require proof of intent to violate the law and carry penalties of up to three years in prison and a $10,000 fine per count, but chose to charge misdemeanors, which do not require proof of intent and carry a sanction of one year in jail and a $1,000 fine per count. Such evidence was produced by two Justice attorneys in an 18-page memo titled "Factual Basis for the Pleas" that was attached to the plea agreements. The document provides numerous instances showing Lilly executives knew of deaths and other adverse reactions to Oraflex and had the opportunity to report to the FDA but failed to.

On December 13, 1984, SmithKline Beckman Corporation pleaded guilty, and three SmithKline executives pleaded no contest, to charges of failing to report to the FDA adverse side effects of the company's high blood pressure drug, Selacryn. Selacryn has been linked to 36 deaths and more than 500 cases of liver and kidney damage.

As in the Lilly case, the Justice Department charged misdemeanors when it should have charged felonies. In fact, when the FDA recommended in 1984 that the Justice Department bring criminal charges against SmithKline and certain officers, it specifically urged that it bring *felony* charges, not misdemeanors. "The Justice Department has let down the American people," Senator Howard Metzenbaum said. "Even though 36 people died due to corporate irresponsibility, the department let SmithKline off the hook."

When corporations are convicted, the punishment rarely fits the crime. Historically, fines against criminal companies have been so small as to be laughable. While Eli Lilly was fined $25,000 after being convicted in the Oraflex case, Wallace Richard Stewart of Kentucky was sentenced in July 1983 to ten years in prison for stealing a pizza. When General Electric was convicted of price fixing in the early 1960s, the company was fined $437,000, a fine a former federal prosecutor compared to "a three dollar ticket for overtime parking for a man with a $15,000 income." In New York in 1983, a $50 theft drew a life-time prison term.

Ignoring warning signals

As Morton Mintz points out in *At Any Cost*, efforts in Congress to remedy the situation by passing strong corporate crime legislation have received little public attention and have gone nowhere. The business lobby has managed to keep tough criminal sanctions off the books. But if purse-snatching thugs managed to convince legislatures to exclude purse-snatching from the criminal code, we would still want to heap as much opprobrium on the act as possible.

Few books will make you as angry about corporate criminality as *At Any Cost*. Mintz narrates one of the sorriest sagas in recent corporate history. Between 1971 and 1975, Robins, best known for Robitussin cough syrup and Chap Stick lip protector, marketed more than four million Dalkon Shield IUDs in 80 countries. The

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company made false claims of efficacy and safety. In the U.S., more than two million women were fitted with the inadequately tested Shield by doctors who believed the misleading claims, and thousands suffered serious damage, including pelvic infection, sterility, miscarriage, and death. Mintz documents how "Robins—knowingly and willfully—put corporate greed before human welfare, suppressed scientific studies that would ascertain safety and effectiveness, concealed hazards from consumers, the medical profession, and government, assigned a lower value to foreign lives than to American lives, behaved ruthlessly toward victims who sued, and hired outside experts who would give accommodating testimony."

The warning signals flashing at Robins headquarters were enough to blind the most nearsighted freight train conductor. But Robins executives kept the Dalkon Shield locomotive moving ahead at full speed until thousands of women were injured and many were killed. In February 1971, six weeks after Robins began selling the Shield, a doctor wrote to the company: "I have just inserted my tenth Dalkon Shield and have found the procedure to be the most traumatic manipulation ever perpetrated upon womanhood. . . . I have ordered all shields out of my office and will do the same in all clinics with which I am affiliated." One woman ob-gyn, upon seeing the crab-shaped Shield, refused to use it. "When the Dalkon Shield appeared on the scene, we rejected its use on my say-so. Why? Well, it's a gruesome-looking little device that I would not allow to be installed in myself, that's why."

While the Shield itself was an unattractive device, it was the string attached to it that is believed to be the culprit causing death or injury to thousands of users. IUDs work on the theory that a foreign device implanted in the germ-free uterus acts as a contraceptive. A string attached to the Dalkon Shield extends out of the uterus, through the cervix, into the vagina where bacteria are present. The problem with the Dalkon Shield string was that bacteria in the vagina would not only rest on the string but would move into it, and then move (or "wick") inside the string up into the germ-free uterus, causing pelvic infection.

Mintz shows that Robins executives were "repeatedly warned of the string's wicking properties, but they failed or refused to listen. Instead, they stonewalled, deceived, covered up, and covered up the cover-ups. And in doing so they inflicted on women an absolutely avoidable worldwide epidemic of pelvic infections."

THE WASHINGTON MONTHLY

Journalism Award

for October 1985 is presented to

Fred Hiatt
and
Rick Atkinson
The Washington Post

In their series, "Defense Inc.," Hiatt and Atkinson document the rise of an entirely new wing of the military-industrial complex: The Star Wars research and development establishment. The series reveals how greedy contractors view the Reagan administration Strategic Defense Initiative as potentially the greatest bonanza to the defense industry ever and how they are going about fulfilling that prophecy. Hiatt and Atkinson add a new dimension to the standard military-industrial complex story: how an entire Star Wars corporate apparatus sprang up even before the policy was adopted. Most troubling is the attitude revealed among defense industry executives that if they can create a large enough bureaucracy, in and out of government, there'll be no turning back in the future.

The Monthly Journalism Award is presented each month to the best newspaper, magazine, television, or radio story (or series of stories) on our political system. Nominations for any newspaper, magazine, or radio or television station in the country are welcome. The subject can be government in its federal, state, or municipal manifestation.

The award for stories published or aired in December will be announced in the March issue. Nominations will close January 15. Nominations should be accompanied by two copies of the story or stories.

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At one point, E. Wayne Crowder, a quality control supervisor in the Shield manufacturing plant in Richmond, warned his supervisor, Julian W. Ross, about the wicking problem. Crowder recalls how "I told [Ross] that I couldn't, in good conscience, not say something about something I felt could cause infections. And he said that my conscience didn't pay my salary. . . . He referred to my persistent 'insubordination' [and said that] if I valued my job I would do as I was told."

In June 1972, Thad Earl, an Ohio doctor and one of the first promoters of the Shield, warned Robins that six women in whom he had implanted the Shield had become pregnant while it was in the uterus, and five of them had gone on to suffer life-threatening spontaneous infected abortions. Mintz points out that had Robins not neglected Earl's warnings, Carie Palmer of Elkhart, Kansas, "almost certainly would not have become a Shield victim." Palmer was fitted with the Shield in January 1973, six months after Earl's warning reached Richmond; she became pregnant in August. Three months later she went into shock, suffered a near-fatal pelvic infection, and lost her unborn child. Palmer sued Robins, and in early January 1980 a jury awarded her $600,000 in compensatory damages and $6.2 million in punitive damages.

Once the flood of lawsuits began, Robins constructed a now-familiar corporate stonewall. Thousands of documents sought by plaintiff lawyers mysteriously disappeared. One Robins attorney, Roger Tuttle, testified that he was ordered by William Forrest, Robins general counsel, to arrange for the destruction of hundreds of "troublesome" Shield documents. Tuttle relayed the order to underlings and testified that he had "every reason to believe that the people who reported back to me that it had been done, did it." Tuttle testified that some of the documents burned in a Robins furnace. At one point, the wife of a Robins defense attorney, with the attorney's consent, discarded 20 boxes of Dalkon Shield documents stored in the attorney's basement as part of a "general spring cleaning."

A call to action

Change often comes on the heels of disaster, and that has been the case in the drug industry. As Mintz notes, the sulfanilamide disaster of 1937, which killed 107 persons, led to the passage of the Food, Drug and Cosmetic Act of 1938. The thalidomide birth defect cases of the early 1960s, which Mintz first exposed, led to the passage of the Kefauver-Harris Amendments requiring "substantial evidence" for claims of drug effectiveness. And finally, it was the revelations of the Dalkon Shield-induced injuries and deaths that led to the passage of the Medical Device Amendment in 1976. Prior to 1976, device manufacturers, including Robins, were under no obligation to submit to the government pre-marketing tests on safety or effectiveness. Had the 1976 law been in effect at the creation of the Shield, the disaster might not have happened.

No other contemporary American journalist has exposed corporate criminals with the tenacity, courage, and eloquence of Morton Mintz. *At Any Cost* is animated by his deeply held belief that as individuals we all should be held accountable for our actions, regardless of how elaborate a corporate cocoon we spin to shield ourselves from liability. Yet it is difficult to agree with the spirit of the book's conclusion. Mintz observes that "modern society cannot function without the large [corporate] organization" and that "the corporate structure itself—oriented as it is toward profit and away from liability—is a standing invitation to [harmful] conduct." But rather than trumpeting a call to arms, Mintz mourns that "all the deterrents and restraints that normally govern our lives—religion, conscience, criminal codes, economic competition, press exposure, social ostracism—have been overwhelmed." This is no message for the reformers of the next generation. Sure, many deterrents have been overwhelmed, but only because we haven't forcefully exercised them. State criminal codes, for example, were designed to be applied to individuals and often fail when applied to corporations. On the federal level, corporate efforts have succeeded in minimizing the applicability of criminal sanctions where they exist and have defeated them where they would be effective. Efforts to strengthen the "reckless endangerment" provisions of the federal criminal code, for example, were defeated by corporate interests during the Carter years. A 1985 bill sponsored by Rep. John Conyers requires corporate managers who discover that a product or process poses an imminent health hazard to report it to the federal government within 30 days or risk imprisonment. Conyers's bill has received little attention and has not left subcommittee, although hearings were held early last year.

It is Mintz's brand of journalism that illuminates these failures. Only outrage like his will produce a strong corporate criminal code to supplement the struggling "regulatory" structure, which, as Mintz puts it, "provides the illusion, but not the substance, of adequate protection."■

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FEAR AND LOATHING IN SILICON VALLEY

by Gregg Easterbrook

Put down that pocket calculator! Don't go near the softwear! Oh, my God! The PC! It's..it's...it's got *Melissa*!

Silicon chips, it turns out, aren't our little electronic friends after all. They're ominous. Behind them lurk greed, exploitation, water pollution, and middle-age stress syndrome. These chips are *eeeevil*.

So say two related new books, *The Big Score* by Michael S. Malone and *The High Cost of High Tech* by Lenny Siegel and John Markoff.* Malone, a former reporter for the San Jose *Mercury News*, the newspaper of Silicon Valley, lays out the Valley's business history with the heavy implication—although not much proof—that computer-making is a dismal art, producing little more than alienated blue-collar workers and money-crazed millionaires who can't handle their success. Siegel, editor of *Global Electronics Newsletter*, and Markoff, a reporter for the San Francisco *Examiner*, take a gloves-off approach, declaring from the first page that the new computer age is almost too horrible for words.

Big Score is the better of the two and might have been a fine book were it not for an introduction that is among the most maladroit lumpings of prose one is ever likely to encounter. In it we meet a procession of composite characters. There's an unnamed "red-haired boy," whose work on the floor of an unnamed chip manufacturer supposedly left him addicted to angel dust at age 20. "'Everybody [on the assembly line] did it,' says the red-haired boy. 'You could really tell after lunch: assembly line workers chattering hysterically and working triple speed with a nose full of amphetamine crank, office workers buzzed on beer and joints.'" This Malone recites unquestioningly, as if a company where labor and management were flying high could actually turn out marketable products.

Then there's "The Martini Man," an alcoholic executive who has summoned Malone to a bar to reveal the shocking truth that "the reality of Silicon Valley business has almost nothing to do with the reams of press releases about new products and financial results." According to the Martini Man, the electronics industry is rife with theft and espionage, and he is about to blow the whistle on its shame. This character, however, vanishes on the following page, after not producing one specific example. He is replaced by "four men in business suits sit[ting] around an upstairs table in a Menlo Park restaurant," whose "mood is one of careful secrecy and almost breathtaking exhilaration. The meeting has been convened to plot the creation of a new company."

Do any of these people actually exist? Was Malone present in the restaurant? We never get the slightest clue. We do learn, however, that "after two hours of sober conversation about technology, capital formation, and suggested personnel, one of the men leans forward and whispers very seriously, 'I don't know about the rest of you, but what I want to get out of this is a shitload of money.' The others burst into laughter. The unspoken has finally been voiced.

Gregg Easterbrook is a national correspondent for The Atlantic, *and a contributing editor of* The Washington Monthly.

**The Big Score: The Billion Dollar Story of Silicon Valley.* Michael S. Malone. *Doubleday, $18.95. The High Cost of High Tech: The Dark Side of the Chip.* Lenny Siegel, John Markoff. *Harper & Row, $16.50.*

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Now the men know they can trust each other's greed to build a company."

Well! Lucky thing for Malone he got out of there alive. After the introduction, *The Big Score* improves markedly, switching to a useful and fact-packed history of the Valley's major players, though there remain regular digs about how anything connected with moneymaking is vile and horrifying. Lee De Forest, inventor of the vacuum tube, was a "greedy capitalist," nice guys lose in "the real world of clashing egos, naked ambition, greed, and lust," and so on. Malone's desire to find a dark side to every Silicon Valley event becomes apparent in his chapter on Hewlett-Packard, which is universally admired as the ideal of a forward thinking company. Malone almost stands on his head trying to find something wrong with HP's policy of lifelong job protection for workers, with its profit sharing, and with David Packard's unpretentious cubicle office with a door open to any worker. Finally he puts forth that the collegial atmosphere at HP renders the company too slow to react to shifts in consumer demand; though elsewhere he says that too much attention to shifts in consumer demand ruins other designers' mental health.

What's at work here is that Malone is practicing Phony Objectivity. Apparently he hates rich technologists and the values they represent but won't come out and say so, preferring to hide behind the cloak of merely quoting sources. In Phony Objective journalism, unnamed sources tend to pop up whenever the reporter wants to air an opinion without formally admitting he is doing so or exposing himself to criticism should his opinion later be shown in error. So the Martini Man or someone similar plays the shill, just like a character in fiction who voices the author's views. The front page of a newspaper should be objective, but a lengthy book—in the course of which a writer immerses himself in a topic—should offer thoughts and ideas that are too speculative for daily journalism. That's what books (and magazines) are for. *The Big Score* might have been a great volume of straight reporting or a great volume of analysis. Instead it's stuck in between, hyping where it ought to be pondering.

Meet 'the colonel'

The High Cost of High Tech also kicks off with a composite character and a splash of unusually bad writing. The beginning is worth quoting in full:

> Several years ago, at a military trade show held in a glittering Las Vegas hotel, an earnest Air Force colonel tried to describe what electronic warfare meant to him. Searching for an appropriately upbeat note on which to end the interview, the colonel, who earlier in the day had led a press tour of a military electronics exhibition, exuded the confidence of a true believer.
>
> "Electronics warfare is more than just a science," he argued. "It's an art."
>
> "More than that," he implored, groping for precisely the right word, "it's...it's a religion."
>
> The image of this colonel, a colorless figure in uniform, is haunting. Here is a man who is destined to fight the next war from a sterile, air-conditioned command bunker hundreds or even thousands of miles from the actual battle, and yet he speaks with the zeal of a Roman gladiator. He bitterly hates an abstract enemy he will never see, except perhaps as a ghostly signature on a video display screen. Yet he is clearly ready for battle.

The conclusions Siegel and Markoff draw from the "colonel" are specious. How do they know he "bitterly hates an abstract enemy"? He hasn't said anything about that. What indicates that he's

Siegel and Markoff tell everything bad about computer production—the proportion of dead end jobs, the potential for computerized Big Brothers, the illusion that light manufacturing never harms the environment—while skipping over everything good, particularly the increased standard of living for millions of Americans.

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"ready for battle"? What makes him destined to fight in a sterile bunker? Maybe he's a pilot. Doesn't "destined" mean that war is inevitable? And so on. I comment here at length because it amazes me that such shoddy wordcraft in the very first paragraphs could get past a major publisher like Harper & Row.

Though *The High Cost of High Tech* improves after its comic-book prelude, it's a disappointment. Siegel and Markoff tell everything bad about computer production—the proportion of dead-end jobs, the potential for computerized Big Brothers, the illusion that light manufacturing never harms the environment—while skipping over everything good, particularly the increased standard of living computers have offered to many millions of Americans, mostly in the middle class.

They have a special fear of military electronics that seems out of touch with reality. Siegel and Markoff write, "Microelectronics technology is the cornerstone of a new generation of weapons that endangers the entire human species. The most advanced U. S. weapons, whether intended for nuclear war or for conventional battlefields, contain smaller warheads and explosive charges than before, but they are much more deadly because they can speed to their targets with incredible accuracy." This isn't close. Nuclear warheads existed long before silicon chips. Increasing accuracy of the delivery systems has enabled the yield of nuclear warheads to be substantially reduced—typical U. S. warheads were one to ten megatons in 1960; today the warhead for the MX is 540 kilotons—and led to targeting based on direct hits of military installations rather than general bombardment of cities. Nuclear bombs remain unspeakably bad, but the threat of slaughter each one represents has declined somewhat as a result of microelectronics.

The decline in destructive power of conventional forces, meanwhile, is spectacular. Nearly all the cost of precision-guided weapons goes into computers, rocket motors, sensors, and exotic materials, not explosives. Several new weapons carry no explosives, relying on impact to destroy their targets. The $3 million Tomahawk cruise missile, when equipped for conventional attack, carries only a 200-pound bomb—one-tenth the capacity of a World War II B17. If the cruise missile misses, it will do only one-tenth the damage of a B17 miss. If its electronics work properly and the cruise missile scores a bull's eye, there will be no unintentional devastation of nearby civilian areas.

In turn, because precision weapons are so expensive, very few are being built. During World War II, the U.S. fielded 33,000 heavy bombers. Today we have about 350 B52s with 100 B1s under construction. If you adjusted for different load capacities, you would discover that today the Air Force could deliver about 3 percent of the bomb tonnage it was able to deliver against Germany and Japan. This "endangers the entire human species"? When Israeli warplanes obliterated PLO headquarters in the center of Tunis without hitting the buildings next door, they may have been committing an immoral act, but they were certainly holding casualties down to a fraction of what they would have been had the raid been carried out mass-fire style.

In the end, by being so overeager to cry disaster (at one point in *High Cost* we're told that it's terrible that chip manufacturers are cutting back on the numbers of those terrible jobs), both books fail to make a persuasive case for the down side of the computer revolution. After all, doesn't every new industry suffer growth pains? Isn't every technological development a mixed blessing? Neither *The Big Score* nor *The High Cost of High Tech* does much to distinguish between the sorts of problems that t'were ever thus and those that computers create for the first time. ■

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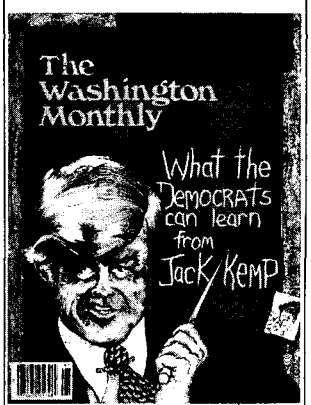

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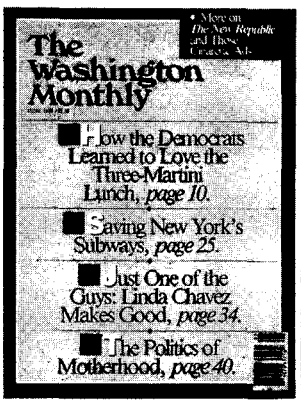

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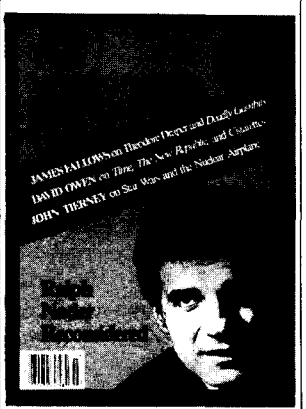

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REVENGE OF THE NERDS

by Paul M. Barrett

Rod Hyde hates the Soviets. He fears they will take over the world. He jokes—earnestly—about rearranging Soviet society with a few well-placed H-bombs. Pressed to explain his views, Hyde concedes that he doesn't "give a shit what [Soviet leaders] do to their own people," or to anyone else, for that matter—as long as the Kremlin doesn't get in the way of his escaping from Earth in his own spaceship. "What I want more than anything is essentially to get the human race into space," says Hyde. "After that, I don't worry about the Soviets anymore."

This is no pimply ninth-grader, dreaming about blowing away the Klingons so that he can join forces with Captain Kirk and the Enterprise. At 31, Hyde is a senior scientist at the Lawrence Livermore National Laboratory in California, where in his spare time he designs sophisticated spacecraft. He earns his salary developing lasers for the Reagan adminstration's Strategic Defense Initiative (SDI) and is one of the subjects in William J. Broad's intriguing group portrait of this nation's youthful "star warriors."*

Broad, a science reporter with *The New York Times*, paints with rough, impressionistic strokes. One can't help wondering whether he skipped the polishing stage altogether in order to get this short book out in time for summit season. He nevertheless succeeds in combining a comprehensible explanation of SDI with a lively diary of a week-long visit to the Livermore lab, one of the government's two main nuclear weapons design facilities.

Rod Hyde attracts Broad's attention not as an exceptional character but as a typical one. Livermore, according to Broad, is a sprawling fraternity of nerd-geniuses who never grew out of their fantasies. It's a world where the ice cream and Coca-Cola abound, where scraggly-bearded young men in blue jeans get to stay up all night working on ray guns. Broad cleverly illustrates how enthusiasm for beating up on the Soviets fits into a generally juvenile social setting—tough talk, no girls, incessant outings to Burger King. He also describes the SDI researchers' fierce desire to discover the darkest secrets of the atom, regardless of the consequences. Lurking in the background of this picture, watching over the chaotic activity, is Edward Teller, principal developer of the hydrogen bomb, founding father of Livermore, and influential advocate for strategic defense. By illuminating the attitudes and goals of the Livermore scientists, as well as the atmosphere in which they work, Broad provides a useful new perspective on SDI, one that should encourage continued skepticism about the program.

Out of the babes' mouths

Prominent in the Reagan administration's pre-summit public relations campaign was an effort to portray SDI as America's kindly attempt to save the world from destruction. Conservative lobbyists backed by the White House produced a television commercial showing SDI as a child's drawing of a rainbow "peace shield" protecting what looked like Mr. Rogers's neighborhood. Reagan himself has declared that, rather than escalate the arms race, strategic defense would render offensive nuclear weapons "impotent and obsolete" and that American efforts would benefit the Soviet Union, which would be able to purchase the technology "at cost."

Broad's conversations with the Livermore scientists reveal how misleading Reagan's references to "scientists working to shield their cities and their citizens" really are. First of all, SDI does not resemble a simple shield; it is a group of technologies, in some cases merely vague theories, that would rely on lasers, particle beams, and supercomputers to track and

Paul M. Barrett is an editor of The Washington Monthly.

**Star Warriors.* William J. Broad. *Simon & Schuster, $16.95.*

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shoot down Soviet missiles. Broad's star warriors concede that the obstacles to constructing such devices are difficult to envision, let alone overcome. Chief among the problems is the need to write and test the software necessary to identify enemy missiles, aim and fire at them, and then almost instantaneously determine which had been destroyed. Fantastically complicated hardware positioned in space, on land, and possibly under water would have to function flawlessly the first time out in order to achieve the leak-proof barrier described by Reagan. Finally, the scientists imply that, as critics of SDI have argued, numerous countermeasures, such as decoy warheads and vastly increased attacking forces, could potentially overwhelm a strategic defense system.

Almost to a man, the Livermore scientists imply that they have no illusions of turning Reagan's vision into reality. But they are quick to add that even if SDI "is only 20 percent effective," as one worker tells Broad, "the 20 percent that gets protected is an enormous retaliatory capability." Broad notes, perhaps without enough emphasis, that the entity being preserved in this formula isn't human life; it's offensive nuclear fire power. In the eyes of its architects, SDI will preserve, or possibly heighten, the uncertainty over whether a Soviet first strike will preclude a devastating American response. This view offers no Reaganesque optimism about offensive weapons vanishing along with the threat to civilian populations. No "shield," one scientist tells Broad, "would keep cities from being obliterated." Mutual fear—the heart of the doctrine of deterrence—remains the basis of peace in a world with SDI.

Although his opinions would generally be called liberal, Broad is no knee-jerk peacenik. He acknowledges that the threat of SDI brought the Soviets back to the negotiating table and that Reagan could still use it profitably as a bargaining chip. The author's goal is to demonstrate that SDI is not a departure from Cold War politics or a new, more humane approach to designing nuclear weapons. Quite the contrary: the spirit of Dr. Strangelove thrives at Livermore.

Rather than stability based on parity, most of the young SDI researchers seek American dominance buttressed by an ability to knock out at least some fraction of any Soviet nuclear attack. "In general," Broad writes, "defense ideology does not seem to be a motive in their work." This observation underscores the hollowness of fine distinctions between the danger of strategic offense and the security of strategic defense. As a threat, SDI may scare the Soviets into agreeing to mutually beneficial arms reductions. But, if implemented, an anti-missile system would surely prompt a hostile and potentially destabilizing response from Moscow. And unlike old-fashioned, ground-based missile defense systems, which had no potential for making a first strike more feasible, space-based beam weapons could easily be transformed from shield to arrow. "If you can shoot down [Soviet] boosters," one Livermore official tells Broad, "it's equally plausible that you could shoot down [early warning] satellites."

Science jock heaven

Vehement though it is, the anti-Soviet sentiment at Livermore does not alone explain the extraordinary devotion of the young scientists Broad meets. Most of these men are recruited by lab officials straight out of schools such as the Massachusetts and California Institutes of Technology. With little time for thinking about what they want to do with their vast talent, they are ushered into science jock heaven. Livermore offers the best in big lasers, supercomputers, and electron microscopes; in some cases, its equipment is unique. Nowhere else on earth, for example, would Rod Hyde find the facilities to design the fusion engines with which he intends to visit the stars.

New arrivals at Livermore learn quickly to ap-

Livermore, according to Broad, is a sprawling fraternity of nerd-geniuses who never grew out of their fantasies. It's a world where the ice cream and Coca-Cola abound, where scraggly-bearded young men in blue jeans get to stay up all night working on ray guns.

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preciate the luxury afforded by the arms race. The billions of dollars in federal funding already slated for SDI only add to the lab's overflowing coffers. Another prime lure dangled by recruiters is the government's practice of waiving its rights to many discoveries made at Livermore, permitting scientists to split their time between SDI and lucrative work in nearby Silicon Valley.

One aspect of the money angle Broad should have pursued further is the role of the Hertz Foundation, a private organization that provides millions of dollars in grants to many of the younger Livermore scientists. The money enables them to pursue Ph.D.s while beginning their weapons research. Started in the 1940s by rental car magnate John D. Hertz, the foundation was intended to fund opposition to the Soviets and has maintained a rigidly hawkish philosophy. The ranking recruiter at Livermore is on the Hertz board of directors, as are Edward Teller, General Curtis E. LeMay, and a host of other Cold War luminaries. Broad notes blandly that "the whole Hertz connection raises questions," especially since the foundation keeps its precise agenda secret, but he fails to dig for any of the answers.

Whatever indoctrination Hertz officials conduct, and Broad muses ominously that there must be some, the influence at Livermore of one man, Edward Teller, is undeniable. Teller in the early 1950s lobbied for the founding of a second weapons lab when his colleagues at Los Alamos, birthplace of the atom bomb, disparaged his obsession with building an even more powerful nuclear device. The successful explosion of the first hydrogen bomb in 1952 opened a schism between Teller and much of the rest of the American scientific community that was widened by his subsequent participation in the McCarthy-era persecution of J. Robert Oppenheimer. Isolated physically and intellectually at Livermore, Teller continued his personal crusade to free the West of the threat of Soviet missiles. He did pioneering work in strategic defense theory, and when pro-Oppenheimer liberals shunned Livermore, he turned to the Hertz Foundation to help attract promising graduate students. When the 1972 Anti-Ballistic Missile Treaty sharply limited superpower arsenals of nuclear-tipped interceptors, Teller led the development of the lasers and other "third generation" weapons that are part of SDI. He is credited with helping to convince Reagan to launch a formal federal program in 1982.

Today Teller, 76 and officially retired, still holds court at Livermore in an office decorated with African violets and pictures of mushroom clouds. Broad describes his influence as that of a revered, almost mystic godfather. As mentor to some of the laboratory's senior administrators and recruiters, Teller keeps alive his quest for American nuclear superiority in ever more sophisticated weaponry. Broad quotes from a July 1983 letter in which Teller told President Reagan that innovations at Livermore, "by converting hydrogen bombs into hitherto unprecedented forms and then directing these in highly effective fashion against enemy targets, would. . .commence a period of assured survival on terms favorable to the Western alliance."

The ink still wet on their Ph.D. parchments, the young scientists Broad interviews echo tenets from Teller's gospel. "The number of new weapon designs is limited only by one's creativity," says one. "There are a tremendous number of ways one might defend the country." Broad calls the peculiar mix of motivations at Livermore "nuclear curiosity" —a response to endlessly challenging scientific problems, some posed by gurus like Teller and all of which have an aura of great danger and risk. It's fun to spend your time working, socializing, and practically living with other brilliant guys who share your desire to be at the forefront of top-secret science. One former Hertz fellow familiar with Livermore tells Broad, "The lab has bright people and incredible resources, but so do a lot of universities. What makes them different is that theirs is also a power trip. What they're doing could save or destroy the world. They deal with that by enjoying it."

Star Warriors contributes considerable insight into the origins and purposes of strategic defense. It also poses the troubling question of whether we ought to view advances in nuclear technology as necessary or inevitable simply because people at places like Livermore may have the brainpower and bravado to accomplish them. ■

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TIDBITS AND OUTRAGES

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THEN AGAIN, SO DID SLAVERY

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AT LEAST HE DIDN'T SEND IT C.O.D.

To avoid looking like they're using taxpayers' money for political purposes, congressmen use ordinary postage stamps. The stamps are paid for with congressional office supply funds. Rep. Joseph Gaydos, (D-PA), bought 15,500 stamps worth $3,410 for mailings during the last campaign.

◆

REAGAN CLOSES THE GENDER GAP

The Washington Post reports that the president "has named two women in the White House to higher positions. He appointed Kathleen Osborne, his personal secretary, to be special assistant to the president, with the same duties she has had for the past four years. And he promoted Nancy J. Risque from special assistant to deputy assistant to the president for legislative affairs."

◆

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The two House of Representatives barber shops are losing $100,000 a year because of competition from the House Beauty Shoppe in the Cannon Building, according to the San Jose *Mercury News*. Congressmen and their staff are going to the beauty shop because it does perms, blow-dries, and moussing.

◇

JUST IMAGINE IF THE RUSSIANS GET THE SPAM RECIPE!

Europeans have found more than 400 meatpacking plants don't meet European Economic Community standards. The U.S. State and Agriculture departments have stamped the reports "confidential" on national security grounds.

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POLITICAL BOOKNOTES

The Reagan Detour. Richard Reeves. *Simon & Schuster, $14.95.* In this blessedly short book Richard Reeves, the respected political journalist (and—full disclosure—advisory board member of this magazine), distills his insights about politics and the American condition derived from covering the 1984 presidential campaign. There are no previously undisclosed memoranda or exclusive interviews or "inside" details of the events leading up to the tumultuous New Mexico straw poll. Instead, he presents a series of nugget-ladden mini-essays, all building up to a heartening prescription for the salvation of the Democratic Party.

The Reagan Detour pursues two somewhat contradictory themes about the nature of American politics. One is that "politics is about ideas" and that Ronald Reagan was merely the spokesman for "a conservative ideas industry" as he had been spokesman for General Electric in the 1950s. The other theme is that there is actually a consensus among the citizenry about the great questions of governance and that people vote mainly on the basis of narrow economic interest. Reeves notes that in their presidential debates, Reagan and Walter Mondale could have been "standing at the wrong lecterns and reading from each other's briefing books," as the conservative president bragged about subsidized housing and the liberal challenger promised "no new programs." Meanwhile, election day exit polls showed that even among those who thought that Reagan's policies were unfair or economically disastrous, the subgroup who nevertheless felt that they themselves were better off voted almost three-to-one for Reagan anyway.

Reeves observes that conservatives have been far more effective than liberals in marketing their ideas. While Brookings ground out lengthy theoretical tomes, the American Enterprise Institute was "getting out pointed pamphlets on the issues...of the day," and even zippier outfits such as the Heritage Foundation were producing briefing memos for politicians and journalists within 24 hours of breaking news. I know from experience that if you call Brookings in search of information on some issue, you're invited to peruse in their bookstore and show them the color of your cash. If you call Heritage, a messenger arrives within hours, loaded with goodies. It helps.

Reeves thinks things are changing. "The intellectual ferment has begun on the left now," he says. If he means there are some new liberal think tanks, eager and reasonably well funded to do battle with Heritage et al., he's correct. But a mere laundry list of "new ideas" plus a good graphics designer for producing pamphlets are not enough. You need a framework—dare one say, an ideology—for those ideas, and it ought to be something a bit more challenging than the notion of "moving toward the center." I don't see much evidence yet of a genuinely new vision among the Democrats. Indeed, their most widely publicized new idea is the idea of "new ideas," which doesn't take you far.

Reeves distinguishes among "themes," "policy ideas," and "slogans." Slogans are campaign rhetoric; policy ideas are what too many Democrats are in futile pursuit of, while themes are what they really need. Themes are what "win campaigns...[a]nd move the nation." Reagan's winning theme, Reeves says, is populism, a concept he essentially accuses the president of stealing and perverting. Traditional populism was anti-business and pro-government. "Reagan built a voting majority...by uniting traditional enemies, the capitalists and a lot of populists, through stressing old values of God, nationalism, and family" and by inventing "a new enemy, big government."

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While Reagan "reached individuals in every region and imaginable demographic category with themes of American nationhood," the Democrats failed with "the political tactics of dividing the nation into narrow constituencies." Everyone says this, of course. But unlike many things everyone says, it's true. Reeves's special gloss on this cliche concerns the futility of constituency politics based on ethnicity. It doesn't work, he says, because, despite a decade and a half of chatter about ethnic identity and roots, Americans are still fundamentally assimilationist. Mario Cuomo may have married another Italian-American, but 70 percent of his ethnic brothers and sisters don't. "National socialization"—an unfortunate term, perhaps—explains why white-bread Republicanism can succeed even as the WASP share of the population shrinks.

In light of all this, why does Reeves predict, daringly, that "ideas and issues...will inevitably bring liberalism and the Democrats back into fashion and power—sooner rather than later"? To begin with, he sees three kinds of trouble ahead for the Republicans. First, he likens that party to an atom: a series of different groups—the old right, the new right, a tiny collection of old-time GOP moderates, the religious right—all spinning around and held together by a nucleus called Reagan. "Pull out the center...and the whole thing might implode"—a view he says was shared by almost everyone at the Dallas convention. Second, the bills for the economic party Reagan has been throwing are bound to come due. The combination of desperation and glee with which many Democrats await some kind of economic catastrophe is not appealing. But Democrats are not alone in their anticipation. This is another matter on which Reeves says most Republicans at the 1984 convention were in private and nervous agreement.

Third, and most interesting, Reeves, like some others, predicts a social issues backlash among people who voted Republican in 1980 and 1984, but not because they cared for the agenda of the moral majority. The activist core of the Republican Party—the people it needs for fundraising and volunteer work—feels strongly about abortion, prayer in schools, and so on. The mass of Republican voters do not. If anything, they want the government out of their hair just as President Reagan promised.

Reeves's positive program for the Democrats has three elements, all at the level of themes, but with policies trailing behind. First, a Democratic version of nationalism, in competition with Reagan's, that emphasizes American exceptionalism and is even frankly a bit isolationist. Fear of "foreign entanglements," he notes, has strong historical roots and continuing appeal, especially in contrast to the overheated, aggressive flavor of Republican nationalism. Second, "a little class warfare—called 'Populism,' of course—wouldn't hurt the Democrats." He notes that

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SOCIALISM AND AMERICA

By the author of *World of Our Fathers*

HBJ HARCOURT BRACE JOVANOVICH

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the issue of tax reform provides a perfect opportunity to revive "the question of 'Who pays?' " (The House Ways and Means Committee, probably unaware, has taken Reeves's advice here by producing a bill that dramatically shifts the burden of taxation back toward the affluent, without any sacrifice of economic efficiency.)

Third, Reeves notes "the emergence of a range of 'workplace/leisure' issues" as a promising area for the Democrats. International competition will require changes in American society that only the government can direct, he says. If Reeves means by this things like improved education for everyone and retraining programs for workers caught in the gears of economic change, fine. Too often already, though, this kind of chatter boils down to either cockamamie government capital allocation schemes under the label of "industrial policy" or—worse—simple protectionism. I'm not sure today's Democrats can be trusted with anything as vague as "workplace/leisure issues."

This review may have lent Reeves's book a bit more order than it contains. The book is actually a series of insights—some of them wise, most of them interesting—rather than a coherent argument. But many's the political book that's full of detailed arguments, with nary a genuine insight among them.

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Between Washington and Jerusalem: A Reporter's Notebook. Wolf Blitzer. *Oxford University Press, $15.95.* Wolf Blitzer may have the best job in daily journalism. As Washington correspondent for the *Jerusalem Post*, he covers the endlessly fascinating and frustrating saga of American Mideast policy and the U.S.-Israeli relationship. He writes for a great newspaper and a readership that follows his every word. His dispatches are lucid and generally accurate, an illustration of how a good journalist performs his task of writing "the first rough draft of history."

Unfortunately, Blitzer's second draft of history, *Between Washington and Jerusalem*, is a disappointment. Blitzer mentions that in preparing the book, he reviewed "literally thousands of articles" he had written on the subject during the past dozen years. Reading the book, you can almost see the marks of scissors and paste.

Blitzer's basic problem in this book is a familiar one for daily journalists: too many facts, too little perspective—too much of the raw material of history and too little of the refined product. A reader senses in the book a caution, a wariness about offending sources. For example, there is a lengthy discussion of the role of the Israeli ambassador in Washington, drawing on Blitzer's relationships with the last four: Evron, Dinitz, Arens, and Rosenne. But Blitzer shies away from making strong judgments about the relative merits of the group. Is the current ambassador, Meir Rosenne, the weakest Israeli envoy in recent years, as some diplomatic observers contend? You

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won't find that delicate issue discussed in Blitzer's book.

Blitzer is also wary about making strong judgments about American officials. The book closes, for example, with an odd anecdote about President Reagan telling reporters that he supports both Israeli security and defensive weapons for the Arabs. Remarks Blitzer: "There seems little doubt that Reagan actually believes what he says." Now what is that supposed to mean? The reader assumes that Blitzer regards Reagan's view as mistaken or naive or ill-informed. Or something! But he never says what he means.

Journalists shouldn't write memoirs unless they are prepared to offend people. They shouldn't pretend to stand back and tell the full story about events they have covered until they have the emotional distance and the intellectual perspective to do so usefully. Blitzer coyly calls his book "A Reporter's Notebook." Perhaps that means he has another book in him—a book that will be worth waiting for—in which the raw material of the notebook will be organized more thoughtfully.

—*David Ignatius*

Amusing Ourselves to Death. Neil Postman. *Viking, $15.95.* With 1984 safely past, along comes someone to remind us of that other modern nightmare, *Brave New World*. Huxley envisioned a future in which culture becomes not a prison but a burlesque. Neil Postman, a professor of communications at New York University, believes that this vision has been largely realized. Television, he argues convincingly, has reduced our public discourse to "a sea of irrelevance. . . preoccupied with some equivalent of the feelies, the orgy porgy, and the centrifugal bumblepuppy."

Now it doesn't take much insight to trash American TV. Postman's thesis is to claim that "the best things on television *are* its junk. . . television is at its most trivial and, therefore, most dangerous when its aspirations are high, when it presents itself as a carrier of important cultural con-

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versation." Though he devotes the second part of his book to fairly routine TV-bashing, Postman's real theme is the supplanting of an epistemology based on the printed word by one grounded in electronic media.

His analysis takes off from McLuhan's perception that any means of communication—oral legends, books, newspapers, TV—is not simply a conduit of information but implicitly shapes the meaning of the message it conveys. Postman asserts that "from its beginning until well into the nineteenth century, America was as dominated by the printed word and an oratory based on the printed word as any society we know of."

In fostering what we think of as patterns of rational thought, this typographic tradition was essential to the development of American democracy. Postman points to the Lincoln-Douglas debates as a preeminent example of American political discourse that, while oral, was rooted in the tradition of the written word.

The invention of the telegraph, photograph, radio, and film hastened the onset of what Postman calls "a peek-a-boo world" of fleeting, disjointed images, offering "fascination in place of complexity and coherence." This world has reached its apotheosis—and reductio ad absurdum—in television. The boob tube's hegemony is essentially complete, Postman feels, though he holds out the "desperate answer" of the public schools as a forum for "de-mythologizing media."

The author's obvious zeal occasionally leads him to overstatement. At times Postman comes off like an apostle of the Age of Reason, inveighing against the vagaries of modernity. For example, he appears to identify the value of what he calls the typographic mind—"detached, analytical, devoted to logic, abhorring contradiction"—too closely with the actual practices of book-reading societies. Surely our ancestors had their fill of irrational quirks despite having been deprived of TV.

Likewise, he is too quick to dismiss the advantages of the "global village" created by electronic media. No doubt we are inundated by more news than we can process. But there's something to be said for knowing about riots in South Africa or famines in Ethiopia, distant though these events may seem. Far from trivializing them, TV imbues these stories with an impact no other medium can approach. And at its best, TV can inspire viewers to respond constructively to far-flung crises, as they have in sending aid to Ethiopia and protesting U.S. support for South Africa.

—David W. Stowe

American Pictures: A Personal Journey Through the American Underclass. Jacob Holdt. *American Pictures Foundation, $14.00.* With *American Pictures*, Jacob Holdt unabashedly follows in the footsteps of muckraker Jacob Riis, who, like Holdt, left Denmark to travel among America's dispossessed and expose their misery. But this book, which was released recently to accompany a multi-media show the author has presented on college campuses, also raises some questions about how much the muckraker can contribute to the pain he documents.

Over five years, Holdt, a high school dropout and devout leftist, managed to travel 113,750 miles and visit 434 homes in 48 states. A camera his parents sent him captures what he saw in chance run-ins with Senators Jay Rockefeller and Edward Kennedy, the Indians at Wounded Knee, bank presidents, and denizens of migrant slave camps and urban shooting galleries. A short-hair wig gained him access to rednecks who otherwise might have distrusted him.

The success of Holdt's campus road show lies partly in the challenge he poses his often well-off audiences: why does slavery continue unchallenged by, even unknown to, most of American society?

At times, he means literal slavery. By befriending an armed guard he managed to slip into a Florida migrant camp where men live apart from their families and ride in trucks from behind barbed-wire fences to work in fields. His photos show child labor and dead bodies along roads. Later in his travels Holdt encountered "slave catchers" from such camps in the deep South rounding up winos in a black bar in North Carolina.

For the most part, though, Holdt depicts a figurative, though perhaps equally restrictive, slavery. He photographed one Louisiana sugar cane plantation whose owner pays families of six $3,000 a year, then lends them money to live in one-room shacks that have no electricity or running water. The planter owns the only store around and charges inflated prices. Few people ever work their way out of debt, of course, and the landowner's guards make sure nobody leaves without paying what they owe.

Holdt's book inadvertantly poses a second uncomfortable question: when does the muckraker turn slummer? How much can a sincere middle-class white man crusade for the black poor before he, too, ends up exploiting the people he hoped to help?

In addition to misery, Holdt encountered the reformer's classic conflict between striving for a distant social goal and trampling on the individuals in the way. In his case, some of them died. Whites in one Southern town, angry over Holdt's affair with a black woman, firebombed her house, killing her brother.

You can't fault Holdt for associating with people of different colors in a segregated society in which "race-mixers" are attacked. But you can blame him for at times ignoring the consequences of his actions. Holdt himself recognizes that unlike the disadvantaged enslaved by their society, he had the freedom to escape to more comfortable homes when he needed nutrition and sleep.

—Paul Bass

The Untapped Power of the Press. Lewis W. Wolfson. *Praeger, $28.95.* Wolfson's aim is to convince the press that it can make better use of its power. The way to do that, he says, is not more surprise and titillation, but more effective explanation of how government works. You have to hand it to Wolfson for

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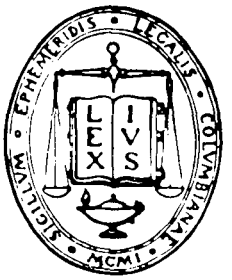

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avoiding the usual litany of press inadequacies that make up most books about news coverage. As the theme for a prescriptive, analytical book on the press, Wolfson's is the right one. The so-called "process" stories don't have to be boring.

The issue is how to make them interesting. Typically, they are not the first stories readers look for. Here, Wolfson's book reflects some of the same problems that plague the process stories he recommends. In a chapter on politics and elections, he suggests process questions that reporters should try to answer instead of repetitively tracking the horse race: "How much did noisy TV advertising attacks and counterattacks contribute to the public's apathy and failure to vote? What happens to the integrity of the political process over time if politicians keep concocting images, making promises and raising hopes that will never be fulfilled?" These are worthy questions; the problem is how to turn them into an actual story—a mechanical but nonetheless essential process that gets short shrift here. The usual way to build a non-breaking story is to get the "domes," as they're sometimes called in the trade (egghead is no longer in usage)—the professors and thoughtful practitioners who have puffed on their pipes and thought about the weighty issues.

The problem is that stories built around a lot of quotes from experts are often boring, no matter how good the quotes. Just stating the point or explaining the process and adding some quotes to legitimize the analysis isn't enough. That's why the best process stories have a strong narrative line, or classy writing, or some organizing principle that lifts them out of mere sober reflection.

Similarly, it would have been better if Wolfson had exhorted less, quoted less, recommended less, and illustrated his call for imaginative press coverage a little more, well, imaginatively. Instead of recommending a new center on government and media in Washington (there are already several think tanks around the country that chew over Big Questions), he might have dissected some process stories and suggested ways to make them more compelling. Still, as a primer on how the press can improve—particularly the chapters on coverage of the judiciary and state and local government—this is a useful book.

—Jonathan Alter

The Making of a Public Man. Sol M. Linowitz. *Little, Brown, $19.95.* Sol Linowitz is a lawyer with a good resume. In his spare time, he's worked for five U.S. presidents, in jobs ranging from associate general counsel in the Office of Price Administration to, more recently, President Carter's special representative to the Panama Canal Treaty and Middle East peace negotiations. He helped build a small company in the unknown field of electrography into the international corporation, Xerox.

Unfortunately, having an impressive resume doesn't mean you can tell an interesting story. It is unclear why Linowitz wrote this book, for most of the important events he describes have been covered more interestingly elsewhere. Only in a desultory and limited way does Linowitz discuss the attitudes, values, and experiences that motivated him to devote so much time to public service. For example, while proclaiming a deep involvement in Judaism, he doesn't reveal in any detail the effect of his faith on his life.

What is interesting about the book, and about the author's life, is the manner in which experience in government and business complement each other. During his wartime stint in the Office of Price Administration, Linowitz hammered out rent control policies and renegotiated contracts with government suppliers. He used this government experience when he moved over to Xerox, where he negotiated the intricate licensing of xerography patents. In turn, as the key actor in setting up Xerox International, Linowitz's globe-trotting proved valuable for his role as ambassador-at-large for Presidents Kennedy, Johnson, and Carter.

Negotiation is what Linowitz does best, showing skill and discretion when bargaining with tough statesmen such as Menachem Begin of Israel and Omar Torrijos of Panama. The best chapters of the book, in fact, are the ones covering the negotiation and ratification of the Panama Canal treaties and his meetings with Begin and Sadat. In the chapter on the Panama Canal treaties, Linowitz gives an insider's description of the frustrating negotiating strategy of the Panamanian representatives—rude and discouraging one day, open and conciliatory the next. The process was further complicated, says Linowitz, by the fragile machismo of General Torrijos who, if not for soothing phone calls from President Carter during Senate debate on the treaties, might have tabled the entire agreement because of the harsh criticism directed at him and his regime.

For all his participation in "the passion and action of his time," Linowitz fails to explain what draws a person into public life. What special skills does it require? Perhaps it shouldn't be surprising that one who has been relentlessly successful in both the private and public sectors may be more a man of action than reflection.

—Vance McMahan

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4. How much would environmental testing of a zero-gravity toilet cost?
5. What would a *complete* study of frisbees cost, roughly?
6. On April 29, 1981, an ordinary day in the bureaucracy, the U.S. government spent $_____ for goggles.
7. Name the august body that voted unanimously to prohibit the importation of killer bee semen. (Problem, points out Roche: no one knows how to obtain killer bee semen.)
8. *Not* counting the military arm, what is the cost of the federal bureaucracy, annually, per person in the U.S.?

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